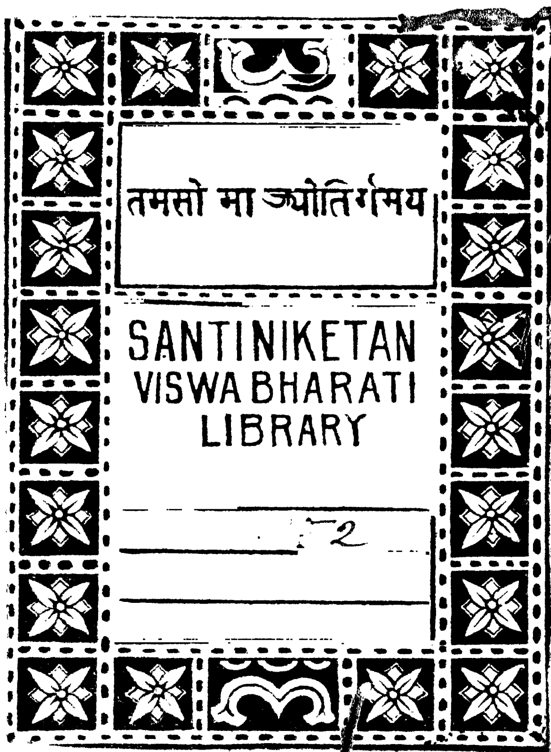

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# RISE AND GROWTH

OF

# BOMBAY MUNICIPAL GOVERNMENT

BY

D. E. WACHA,

*Councillor of the Bombay Municipal Corporation and its Ex-President.*



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TO

**THE HON. SIR PHEROZESHAH MEHTA, K.C.I.E.**

MEMBER

OF THE

BOMBAY MUNICIPAL CORPORATION

FOR

THE UNINTERRUPTED PERIOD OF 43 YEARS,

ITS

CHOSEN REPRESENTATIVE

IN THE

BOMBAY LEGISLATIVE COUNCIL

FOR 21 YEARS

AND

FOUR TIMES ITS PRESIDENT,

THIS VOLUME

IS

AFFECTIONATELY DEDICATED

AS A

TRIBUTE OF SINCERE ADMIRATION

FOR

HIS DISTINGUISHED AND DISINTERESTED SERVICE

AS A

CITIZEN OF BOMBAY

AND

A GREAT LEADER OF THOUGHT

IN THE COUNTRY

BY

HIS LIFE-LONG FRIEND AND CO-WORKER

THE AUTHOR.

## FOREWORD.

In the years 1901 and 1902 I had contributed, at the suggestion of its proprietors and publishers, the well-known Messrs. S. M. Ratnagar & Co, a series of articles on the Rise and Growth of Municipal Government in the city of Bombay to the columns of the *Bombay Municipal Journal*, an excellent periodical but unfortunately defunct for some years past. The articles were widely read, and I was urged by many a friend to have them collected in book form for permanent reference. Owing to a variety of work I was not able to do so till the close of last year when I applied to Messrs. Ratnagar & Co, to make me available their own press files which they very kindly did. I had also their permission to reprint the articles. Meanwhile my other enterprising press friends, Messrs. G. A. Natesan & Co, with their usual courtesy, which I greatly appreciate, offered to print and publish the book. The volume is now before the public.

All that I would venture in this place to claim for the book is this. I have endeavoured to collect what may be called the dry bones of our civic history which, it is to be hoped, some historian in the near future will clothe with flesh and blood and produce a living narrative which shall serve as an enduring record for the benefit of future generations of the Bombay Municipal Corporation which has long since been recognised as a model for all India to copy. It is indeed a stately structure, beautiful to behold for the symmetry of its design and the elegance of its proportion. Bombay owes this edifice, firstly, to the liberal

statesmanship of Sir Bartle Frere and Lord Reay, the two most brilliant administrators after Mounstuart Elphinstone, secondly, to the sagacity and patriotism of the legislators who were instrumental in giving it body and form in the Legislative Council of whom the late Mr. Telang, Sir Frank Forbes Adam, and Sir Pherozeshah M. Mehta were the most conspicuous, and, thirdly, to the public spirit and unceasing activity of those past and present members who have so well taken their respective part in the active proceedings in the civic hall. That hall, it is gratifying to record, is already instinct with the noble traditions of the past half a century. May it be the good fortune of the Corporations of the future to garner and enrich them preserving for all time to come the proud motto of *Urbs Prima in Indis* which is inscribed on its banner in letters of gold.

1st *October* 1913. D. E. WACHA.

# CONTENTS.

APPENDICES.

# CHAPTER I.

## INTRODUCTION.—THE UNKNOWN BOMBAY.

IT is always an interesting study to trace the growth of municipal institutions, especially those of great towns and cities. In this respect the modern spirit of historical research, based on authentic state records, contemporary chronicles and other muniments, has contributed not a little towards achieving that purpose. Neither can we forget the invaluable aid which numismatics and archæology have rendered and are still rendering towards the same end. They have all thrown back the shroud of years, so to say, and revealed to our gaze the sayings and doings of mighty men and mighty states long passed away and almost forgotten. Our modern philologists and archæologists have made instinct with life, never dreamt of in the philosophy of the past centuries, the rock-cut temples and inscriptions, the monoliths of stone with the edicts of emperors engraved thereon, copperplate grants of kings and chiefs, mounds after mounds of baked bricks recording laws, history and economics, rolls upon rolls of papyrus, taking us back to primeval times, even unrecorded by the scripture, and cylinders on cylinders buried hundreds of feet below the earth which, unearthed, have revived for us the social, political and commercial life of nations, as intelligent and full of human interest as the world of to-day, who flourished some eight thousand years ago. What the potentialities of all these mute records of by-gone ages may be, it is impossible to predict. All that we can venture to assert is that they are slowly but steadily changing the old historical view of men and things, and revolutionising old

world notions, theories and dogmas on which literary controversialists used to fight a century or even fifty years ago. So far it may be reasonably observed that the progress of the world, at the threshold of the twentieth century, in what are called the "humanities" by our ancient seats of learning at Oxford and Cambridge, at Paris and Padua, are astonishing.

But if the history of empires is undergoing a silent though radical revolution under the treatment of our latter-day scholars in archæology and philology, so too is that of historic sites and towns. And nothing in their history is more interesting and instructive than the part which we now call municipal. Under the circumstances I make no excuse for giving here a brief account of the municipal history of Bombay from old records and other documents, so far as available. Of course, the city has no very ancient pedigree like some of the towns in the Punjab which were the scenes of Darius's and Alexander's conquests. It has no glorious traditions to record after the manner of Pataliputra where Megasthenes resided for a time and wrote an account of the ancient Indo-Aryans of those days and their magnificent empire—an account which, so far as the description given by him of the poor Indian peasant and his village is concerned, is identically what the modern globe-trotter, fresh from Europe or the Far West, would describe. Neither can Bombay boast of any blue blood or aristocratic relations as can Delhi and Agra. Nay, more, it cannot even vie with Broach and Cambay or the Pearl Island of Ceylon to which reference is made by Greek and Roman travellers, specially Pliny. Even Nasik was not unknown to that adventurous Roman traveller and word-painter. But Bombay was absolutely unknown, till the prosaic trader from Lisbon and Amsterdam, from Paris and London

navigated the waters of the East Indies in search of barbaric gold and pearls, till Shivaji scoured the Kolaba Coast, and the Habshi from Janjira rivalled that intrepid Maharatta in his naval raids. It owes its origin and subsequent greatness to the trade rivalries of the distant nations of the seventeeth century who struggled for the supremacy of Hindostan. An island of islands, encircled with the silver sea, even a hundred and thirty years ago, it was not thought of much, though there were not wanting great European travellers who had foretold its future potentialities and greatness. But all about the humble origin and progress of Bombay may now be read in that volume of the Royal Asiatic Society published some years ago—a volume to which a mournful interest is attached by the premature death of its able writer. We confess that we have seldom perused a more fascinating book than the one on the origin of Bombay by the late lamented Dr. Cunha, a born historian of extensive knowledge and endowed with the true spirit of genuine historical research. The volume reads more like a romance, as romantic as the fairy tales in the "Arabian Nights," than a sober and prosaic account of the early history of Bombay under the Portuguese from the days of the scientific Gastria de Orta to those of the stately "Lady of the Manor of Bombain," and afterwards from the time of the early British Governors of the statesmanlike type of Gerald Aungier to those of Elphinstone, Frere and Reay. The book is indeed a monument of the learning, industry and patient spirit of research of the scholar who has so early passed away from us. Following in his footsteps there is the Introduction to the Bombay Census Reports of 1906 from the pen of that elegant scholar and student of history, Mr. S. M. Edwardes, of the Civil Service, which is worthy of perusal and patient study.

Thus Bombay has no Imperial or noble pedigree. Still by its geographical position, which the late Robert Knight imagined to be "the physical centre of the earth," and by the sheer pluck and enterprise of its settlers, it has risen within a period of over two hundred years, counting from the date of its coming into British possession as a royal dowry from the King of Portugal to King Charles II. of jolly memory, to be the first city in Asia, and the cynosure of all the greatest trading nations of the world. The ancient and royal cities, now crumbling into decay, have only to boast of a record of past glories, traditions and memories; but they have nothing to be proud of by way of colossal material achievements such as Bombay has displayed. Purple it may not be from the point of pedigree, but by its position, wealth and influence, it has risen to command all the patrician cities of yore. It has earned the rank of being the first city among all other cities in the glorious British Indian Empire. It will therefore be interesting to relate the humble beginnings of its municipal life, and trace its course, till we bring the history to the most recent date.

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## CHAPTER II.

### EARLY MUNICIPAL GOVERNMENT—1792 TO 1865.

GLEANING through extant records, the student who is curious to trace the origin of municipal institutions in Bombay will find that the first faint attempt in this direction appears to have been made within the four corners of Statute 33 of George III. in the year of grace 1792. By one of its provisions, power was given to the Governor-General of Bengal to appoint Justices of the Peace. Let it be borne in mind that the consolidation of the British Indian Empire had then just commenced. Order was being evolved from chaos by the statesmen who came to preside over the destinies of the country just a hundred years ago and a little more. Military occupation was an accomplished fact. But how to carry on the civil administration of the country was a problem. A fair beginning was however made. The Governor-General of Bengal was supreme. His authority not only extended to that province but to the sister presidencies of Madras and Bombay. It was only on the transfer of the E. I. Company's government to the Crown in 1858, that the Governor-General of Bengal became the Viceroy and Governor-General of India. Bengal was made into a separate governorship with a Lieutenant Governor at its head till 1912 when, thanks to the triangular statesmanship of His Majesty King George, Lord Crewe, Secretary of State for India, and Lord Hardinge, our popular Viceroy and Governor-General, it was proclaimed to be ruled by a Governor and Council. Thus it had come to pass that two satraps reigned till 1912 in Calcutta, the lesser and

the greater. The former held his court at Belvedere, and the latter in the very heart of the Metropolis itself. But to return to the institution of the Justices of the Peace. Firstly, it was enacted that they should take oaths of allegiance to the Crown and the Company. It was enjoined as one of their important functions that they should employ scavengers for cleaning streets and repair roads. For this purpose Justices in the three Presidencies were further authorised to make house assessments to procure funds. These assessments were to be made as follows. In the words of one of the sections of the Act :—" Assessments shall not exceed in any one year the proportion of one-twentieth part of the year's annual values thereof, respectively, unless any higher rate of assessment shall, in the judgment of the Governor-General in Council, become essentially necessary for cleaning, watching or repairs thereof." But this was not enough. Powers of attaching property were also given whereby recalcitrant defaulters were to be brought to book. The law of distraint was to be put into force. Nowadays we are more masterful and cut off service water pipes so as to starve the defaulters of the first necessary of life! This, of course, is progress of a kind. Lastly, liquor was allowed to be sold under payment of a license fee. The Temperance reformer was yet in the womb of time.

Twenty years later, the Bengal authorities took a further step forward. For maintenance of law and order, a regular police force was allowed and certain magistrates appointed. But, closely following the English law, the magistrates were also constituted municipal authorities in their capacity as Justices of the Peace. Experience of the older statute had also shown that traffic was sometimes obstructed and public roads encroached upon. That was intolerable. So they wisely enacted that encroachments on

public roads and obstruction of traffic should be both punishable by the magistrates. Another step taken in the municipal life of the day was the proper registration of births—a matter which, even after a century's tinkering, has not yet been brought to perfection as testified by many a lament of sanitary officers and the wail of some enthusiastic Councillors. But with increasing penal clauses increased expenditure was inevitable. How was that to be met? The legislators of 1827 were not unmindful of that difficulty. Since straw was necessary to make bricks, they further enacted by an ordinance that taxes on shops, stalls music, carriages and horses, &c., should be levied. It is needless to say that these are still a source of municipal revenue, and that none of the taxes has been abolished, though tinkered and modified from time to time. Those were, however, days of civic darkness. The Justices of the Peace and Magistrates of the day, armed with municipal authority, lived in what may be called the backwoods of municipal civilisation. We pass over the storm in a teapot which arose in 1833. It was the usual conflict of two co-ordinate authorities. There was a mortal combat between the Judges, who were the Justices of the Peace, and the Justices of the Peace themselves as custodians of the city's purse, a very slender one at the time. As half a century later we had fights about lock hospital expenses and victualling of Volunteers, so in those days they had angry correspondence about small matters touching accounts. The storm blew over though not before a sturdy non-official and independent chairman, rejoicing in the name of Mr. Bruce, had resigned his office.* Might always overrides Right. We have seen the same more than once in our own days as regards liquor licenses and police charges on which so many battles have been fruitlessly fought during the last 40 years.

But the early conflict led to some good. Parliament in 1836 conferred central powers of jurisdiction on the Bench of Justices. This was keenly resented by the local satraps of the day in league with the higher ones of Calcutta. Some years again rolled on. At last, in 1845, an important onward step was taken in municipal administration. We had previous to that year a court of petty Sessions, consisting of two Justices of the Peace as police magistrates, with another non-official Justice. These acted as the municipal authority. They were superseded by a full blown Board called the Municipal Conservancy. They were authorised to administer solely municipal funds. The Board comprised seven gentlemen, including the Senior Magistrate, who was ex-officio Chairman, the Collector, also ex-officio, two magistrates of police, two European and three Indian Justices of the Peace, partly selected by Government and partly by the Justices of the Peace. Here may be discerned the first germ of the Municipal Corporation of the Forties. This Board was a changing body so far that it had to be re-elected or re-appointed every three years, of course, with the privilege to each member to offer himself for re-election. A municipal fund proper was created and vested in this civic oligarchy. The Bench of Justices supervised and controlled the civic administration, the oligarchs discharging all executive functions. But the thin end of the wedge was for the first time inserted. The provincial Government even in those early days succeeded in throwing on the municipal treasury the burden of the city's police charges—a burden which the City Fathers of the latter days of the nineteenth century in vain endeavoured to shake off without success till 1907—a burden which had risen from the modest sum of Rs. 45,000 in 1845 to Rs. 5,50,000

in 1900. Thus, if a new civic constitution was brought into existence three quarters of a century ago, a new burden was at the same time imposed. With the power of spending money there was the responsibility of rendering a true account of it. The "boon" of the Board of Conservancy carried with it its own monetary burdens. The Board also found difficulties in raising the necessary fund. So in 1850 it was empowered to make better regulations for the levying of property rates, and imposing a license duty on tobacco—another imposition which has, with varying fortunes, continued to exist till this day. The Board had also found difficulty in assessing *foras land*, that is land held on a certain Portuguese system of tenure, a graphic account of which may be read in the pages of Dr. Cunha's "Origin of Bombay." Five Commissioners were, therefore, named to estimate the assessable value of that land.

But Bombay was civilising herself. She was expanding her trade and increasing the population. Sanitary light was dawning on the mind of the authorities. It was the effect of the early public health and other enactments passed in England for the better welfare of parishes under the old vestrydom. So an agitation began to place the municipal government of the City, specially sanitation, on a sounder footing. Not only the schoolmaster but the sanitary preacher was abroad. But sanitation as yet was in the land of darkness so far as the benighted Board of Conservancy was concerned. The reformers threatened to snuff it out of existence, to sweep away the old order of things and substitute for it a new one, every way saner. The Board was alarmed. It tried to justify its existence by memorialising the Supreme Government but to no avail. The agitation succeeded in 1858 by abolishing that entity of thirteen years' existence. One set of executive was

succeeded by another. King Stork came to replace King Log. A trinity yclept "Municipal Commissioners" for the City of Bombay supplanted the heptarchy of the Board of Conservancy, with full powers to make the city pure and clean, and free it from cholera, then fearfully epidemic, claiming from 3 to 4 thousand victims per annum, by making arrangement for a pure supply of water and constructing new sewers. They were all paid officers, the salary per year being 10,000 for those who devoted whole time to their work, and 4,000 for those who could only give half time. Certain constitutional checks in the matter of construction of public works were devised, the powers of the administrative body, namely, the Bench of Justices, were more carefully defined, and the authority to employ servants above Rs. 200 per month was made subject to the sanction of the Bench first, and the Government afterwards. This Board, however, did one memorable piece of good work. It had the Vehar Lake surveyed and made all necessary arrangements for its construction and the introduction of the water by cast-iron pipes into the city. A clever engineer in the person of Mr. Conybeare was entrusted with the work, and just before the termination of its official existence in 1865, the Board of Conservancy had the satisfaction of seeing its great work accomplished, to rejoice the heart of every citizen, and especially of the sanitary reformers of the day at whose head was the able Dr. Leith—he who had, at the instance of the farsighted Sir Bartle Frere, made a comprehensive survey of the sanitary condition of the whole town and reported on it. Here the story of the early rise and progress of Municipal Government in the City may be concluded. The history of the new civic body which came into existence on 1st July, 1865, with a full blown

Municipal constitution called Act II of 1865, with one chief executive authority in the person of the able and energetic Mr. Arthur Crawford, as the first properly constituted Municipal Commissioner, will be succinctly related in the following pages. Despite extravagance, that Commissioner may be justly called the Founder of New Bombay—the founder whose memory Bombay, in bare gratitude, is bound to keep alive by some permanent memorial of public utility. He may have no bronze or marble effigy to commemorate his good deeds, but he is destined to live in the memory of Bombay for many a generation to come.

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## CHAPTER III.

### INSANITARY BOMBAY AS IT WAS TILL 1865.

THE insanitary condition of the city in 1865 and the years previous had led the Government of the day to appoint a special Commissioner to make a report. That Commissioner, no other than Dr. Leith, submitted a plain and unvarnished account of the health conditions in 1864 which was indeed most gruesome reading. Heavy mortality, to which cholera in its endemic form largely contributed, was no unusual phenomenon. The average annual mortality for the decade ending 1860 was 2,406, while for the four succeeding years it was 2,803. In 1864 the deaths from cholera numbered 4,588, which was appalling. The scarcity of water, combined with its impurity, was the principal cause of the disease. The condition of the native town was as filthy as could be possibly imagined; while the growth of the population was as dense as it was in 1891, chiefly owing to the activity in the cotton trade and the mania for share speculation which the profits of that trade had inordinately stimulated. A large number of traders and speculators were attracted from far and near to congregate in the city and earn riches beyond the dreams of avarice. The influx, therefore, was great and unprecedented.

Thanks to the far-sightedness of the then Governor, Sir Bartle Frere, who had come straight from the Supreme Council at Calcutta, with the reputation of a brilliant administrator and statesman, and with the seal and approval of Lord Canning, the first Viceroy and Governor-

General of India since the assumption of the direct Sovereignty of India by Her late Majesty the Queen, immediate steps were taken, on the receipt of Dr. Leith's report, to put the sanitary condition of the city on a sound footing. In this effort he was ably seconded by the public spirit of a non-official Scotchman of the ability and position of the Honorable Mr. Walter Cassels, of the eminent firm of Messrs. Peel, Cassels & Co. He was the most towering personality among the European merchant princes of those stirring times, and quite a pillar of the Bombay Chamber of Commerce, where he was doing admirable service in stimulating the more extensive cultivation and better improvement of cotton. The draft of the new Municipal Bill was entrusted to him. We need not at this stage refer to the proceedings of Act II. of 1865 in the Legislative Council or to the incidents and criticism connected therewith. These may be read by the student of Bombay municipal history in the big volumes of legislative proceedings annually issued since 1863. Here, I shall briefly indicate the principal features of that Act. It was the first of its kind in which a most laudable attempt had been made to lay the foundation of rudimentary Local Self-Government in the City. The stray efforts between 1792 and 1864, were in no way systematic. Haphazard regulations were made from time to time, as necessity arose, either for conservancy or municipal funds, or both. But the institution of the Commission of Justices of the Peace was no doubt the herald of the organised constitution for Municipal Government which Act II. of 1865 introduced into the city. A new Bombay was practically being laid out. The old ramparts and fortifications, which had watched and safeguarded the town for a hundred and fifty years, were no longer deemed necessary.

These ramparts which went all round the Fort, from the Dockyard to St. George's Hospital, were condemned by Sir William Mansfield, the then Commander-in-Chief. They had to be pulled down, in order to find accommodation for a rapidly increasing population. The same excellent reason combined with the land needed for providing the B.B.C.I. railway with a terminus at Colaba, prompted Sir Bartle Frere's Government to encourage and support the Back Bay Reclamation Scheme, projected by Messrs. Ritchie Steuart & Co., of which the leading spirit was Mr. Michael Scott, the senior member of that well known firm. Unfortunately, the fever and frenzy of the speculation of 1864, which the immense profits of the cotton trade had greatly stimulated, soon brought that Campany to grief. It lost almost 90 lakhs of Rupees deposited with the Asiatic Banking Corporation, which failed, though not without completing part of the reclamation. The entire area, now known as the Kennedy Sea Face, from Wodehouse Bridge to the Chowpatty Custom House, was reclaimed by the Company at an immense outlay of money, say a crore. But for that reclamation there might have been no Queen's Road.

It was at this juncture, too, in view of the building of a new Bombay, which was to be called the Frere Town, that the ground made available by the pulling down of the ramparts and the filling in of the moats and ditches surrounding them was put up for sale by auction. The Government of India thought it good to strike while the iron was hot. All the ground was "Imperial Estate" and the Imperial Government wished to make most of the profit it could while the sun of the phenomenal prosperity of Bombay blazed away. The vacant ground, from the extremity of the present Elphinstone College, up to the

Gaiety Theatre, was laid out for suitable building plots. Many of them realised at the auction as much as 75 to 100 and even 110 Rupees per square yard ! But the majority of the purchasers were soon after overwhelmed by bankruptcy, owing to the collapse of the speculation, before they could complete the purchase, Government meanwhile having pocketed the large earnest money paid.

I have observed that in 1865, the plan of a new Bombay was laid out. But the rearing of such a town demanded proper legislative enactment to acquire properties, lay out new roads, construct the miles of main drains sadly wanted, and, above all, give the public the blessings of a pure water supply and an efficient conservancy system which may both lead to a low death rate. These objects led to the passing of Act II., 1865, the principal features of which will now be related.

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## CHAPTER IV.

### THE FIRST DULY CONSTITUTED MUNICIPAL CORPORATION.

AS already observed, Act II of 1865 came into force on 1st July of that year. It is indeed a curious coincidence that the legislation for purifying the city of its accumulated filth of half a century, and placing it on a level with the modern cities of the West in point of sanitation and conservancy, should have come into practical operation on the darkest and most dismal day in the financial history of Bombay. The 1st July, 1865, has been known in her annals as the Black Day. For, it was on that date that the greatest financial crisis, which had been impending for some months, overwhelmed the city and engulfed many an old and eminent house, and thousands of persons rich and poor, into irreparable ruin. But what was a dark day financially was, indeed, the harbinger of a bright one in matters of civic sanitation.

We now come to the broad features of the first Municipal Constitution which the city received at the hands of the liberal-minded Government of the day. The preamble was as follows,—"Whereas it is expedient to consolidate and amend the law relating to the management of the Municipal affairs of the City of Bombay and to make better provision for the conservancy and improvement of the city, and for the levying of rates and taxes therein, it is enacted, &c. &c." This, however, demanded a complete sweeping away of all previous regulations and enactments, introduced piecemeal, many of which had undoubtedly grown obsolete and almost wholly inoperative. Those were all repealed

wholly, save in a few instances where some provisions were considered expedient to be retained. The first and most fundamental arrangement was, of course, the Constitution,—what electorate should form the Bombay Municipal Corporation, a body with a perpetual succession and a common seal, one which should have power to hold land, to sue, and be sued? The only enlightened body which was fairly representative of the wealth, influence and intelligence of the city was the one known as the Justices of the Peace for the Town and Island of Bombay. The large number of the professional classes, graduates and others who form the intellectual aristocracy of the city to-day, not forgetting that queer and heterogenous body, known as the Fellows of the Bombay University, were almost unknown. In the early sixties, the practical work of our University had just commenced. So that in reality the majority of those who were Justices of the Peace were selected from the ranks of merchants and bankers, interspersed with a few officials and men of learning. Their number, again, was not large. The roll of the Justices then counted perhaps less than a hundred persons against the formidable array of the six-hundred we now have. The Justices of the day, then, were the Municipal Corporation under Act II of 1865. Of course, it was in no sense an elected body. No doubt many of them paid the rates, but none was supposed to represent the rate-payers directly. They were all Government nominees; but the selection was on the whole exceedingly discriminate and compared most favourably with the selection which is now annually made and which has not infrequently been the subject of much adverse criticism. But old systems and policy have changed. A new policy and new systems have come into vogue; and we have to take

the good of these new systems with all its attendant drawbacks. Public opinion in 1865 was not sufficiently educated for municipal purposes. The rate-payers scarcely knew what their rights and privileges were. Very few had any clear ideas of the fundamental axiom of the municipal philosophy of the West, namely, that taxation and representation go hand in hand. So that there was no cry for direct representatives from the rate-paying community. The Government, though sufficiently liberal, was not quite prepared to concede the boon of representation. It was thought that Bombay had yet to show her credentials that she was fit to have a direct municipal franchise, such as is now enjoyed, conferred on her. The motto was, of course, to advance slowly, and none can say that at the time it was an unjustifiable attitude to assume on the part of the Government of Sir Bartle Frere whose knowledge of the people was certainly very intimate. He combined liberal statesmanship with due caution. Thus it was that, at the birth of the first systematised Municipal Government in the city, the only electorate was the Justices of the Peace who were accordingly constituted the first Municipal Corporation. All the property and rights of action previously conferred on that Triumvirate, known as the "Municipal Commissioners" of Bombay—the successors of the older civic oligarchy, known as "the Board of Conservancy," were vested in the Justices. It was like the transfer of the liabilities and assets of an old company to a reconstructed one. So that the Justices had to receive on the one hand all the property and assets vested in the three Municipal Commissioners, and on the other to undertake all the liabilities and obligations incurred by the same body. The "Municipal Fund" of the City of Bombay, together "with all property of what nature or

kind whatsoever," was confided to and placed under "the direction and management, and control of the Justices," and was to be held and applied by them "as Trustees for the purpose of the Act."

As to their proceedings, it was enacted by Section 22 that the Justices should hold four quarterly meetings in every year and transact the civic business. The meetings were to be held on the first Monday in the months of January, April, July, and October. Notices of such meetings were enjoined to be given in the official Gazette and in at least one of the daily English newspapers and in two vernacular journals, seven days prior to the meeting. The Chairman was nominated by Government with power to have a casting vote in case of equality of votes. The first Chairman of the Corporation under Act II of 1865 was Mr. L. H. (afterward Sir Lyttleton) Bayley, who was then Advocate-General and also Under Secretary to Government in the Legislative Department.

# CHAPTER V.

## A RETROSPECT OF BUSY BOMBAY IN 1864-65.

THOUGH the Justices of the Peace, who were constituted the first Municipal Corporation of Bombay under Act II of 1865, were numerically stronger than the seventy-two members who have formed that body since the year 1872, it was indeed somewhat curious that for purposes of the ordinary quarterly meeting only seven were needed to form a quorum. But the very fact that there were only four meetings in a year, with a special meeting occasionally, and that only seven Justices could form a quorum, indicated the degree of interest which the public were assumed to evince in the early sixties. Local self-government was undoubtedly established, but the institution had to be well cared for and nurtured in order to thrive and stimulate the public spirit of our citizens in managing their own affairs. At that date the Government hardly expected that half a dozen of them would find leisure or possess the necessary spirit of self-sacrifice to attend the quarterly meetings and supervise the work of the chief executive. It was deemed sufficient if twice the number of Tooley Street tailors and one more, could be found willing to make the municipal coat, and cut it according to the cloth they could get from the public, which might be found quite fit for wear. Perhaps it was owing to the peculiar nature of the times that the Government thought it expedient to keep the quorum at so low a number as seven. All Bombay and its wife was too too busy amassing handsome fortunes to be able to devote even an hour's leisure every three months to

manage its domestic affairs. The merchant cotton princes of the day, European and Indian, were, of course, intensely engaged in the pursuit of purchasing the raw fibre at any price and make their two and three hundred per cent. profit per candy by exporting it six thousand miles away, where there was such a dearth of it, and where thousands of operatives famished or were thrown out of employ for want of the necessary cotton in their factories. Then, the financiers of the day were engaged in floating companies, with gigantic capital, of all sorts and degrees. The South Sea Bubble of the previous century in England had its counterpart in 1864—5 in Bombay. Apart from colossal reclamation companies, like the Back Bay, the Colaba, the Frere Land and the Mazagon, there were daily uprising in her midst, thanks to the crores poured in by Lancashire during the American war (1861—5), banks and financial institutions and divers other ephemeral concerns for promoting all manner of things. These used to come into existence with the real rapidity of the prophet's gourd. The staid merchant of wealth and credit stood cheek by jowl with the latest *parvenu* whom the frenzied Stock Exchange of the day used to set up as a rival to float or promote some mushroom concern. In the Bombay of 1864-65 every tenth man was either a promoter, embryo promoter or director. And as to the number of bankers and managers, it was legion, each and all absorbed in pocketing the largest premium on share allotments made by hundreds every day. Aye, night was joint labourer with the day in the busy pastime of making gold out of nothing in particular. It is impossible to describe the paper alchemy of designing promoters of bubble companies—men who merrily plucked the feather of the fat geese who flocked in their thousands on the Change to grow

fatter, but only to find themselves, at last shorn clean of their original plumage. Men and women, young and old, Christian or non-Christian, banker and merchant, the greengrocer and the grass-cutter, the penniless and the *lakputti*—all were to be seen sailing in one direction. Their embarkation on this Argonautic expedition of the mid-nineteenth century might indeed require the pen of some picturesque historian with the genius of a Macaulay to portray. But this will give a faint conception of the busy but speculative Bombay of the day which passed the Municipal Act of 1865. It will, therefore, be easily intelligible to our readers why the quorum was fixed so low as seven. You could not find at the time a dozen men who could be made to attend to civic business and the Government wisely thought that sufficient for the time was the quorum fixed for their newfangled local organisation.

In practice, however, it came to pass that a large number of Justices used to be present. As soon as the city emerged from the gloom of the financial calamity which overtook it, men's minds were diverted into other less ambitious but more solid and useful channels. It speaks volumes to the credit of the city that both European and Indian Justices worked strenuously and zealously shoulder to shoulder to make the first Local Government, formally established in the city, a success. Of course there was the powerful and magnetic influence of Sir Bartle Frere behind it. The reports of Dr. Pelly and Dr. Leith on the deplorably insanitary conservancy of the city had made a deep impression on his mind; while the annual holocaust which King Cholera claimed, amounting to at least two thousand on an average, was one which unnerved even that strong Governor. Thanks to the enterprise of the old Board of Conservancy

and the Triumvirate which succeeded it in the civic government of the city, the supply of pure water was once for all assured. It was the perennial scarcity of this life-giving substance which was the principal cause of the heavy cholera mortality. Wells and tanks were the order of the day. But these in most cases were impure or defiled. It was the impurities and the filth which necessarily introduced choleraic germs in the water when, during the summer months, it reached everywhere a low level. But the history of the supply of water in Bombay demands a separate and voluminous chapter by itself. Sufficient it is to state that it was this condition of affairs which had filled Sir Bartle's mind with apprehension while the Municipal Bill was in *posse*. At the time, however, of the passing of the Act the Vehar water was already introduced into the city, and the Governor was anxious that the public spirit and supervision of the Justices might lead to a better condition of health of the population at large. A pure water supply and an efficient conservancy—these were the two sheet-anchors of the Government. It relied on them to work wonders for Bombay and bring down the heavy mortality from cholera. And thanks to the combined spirit of energy and reform displayed by the first Municipal Commissioner, no other than Mr. Arthur Crawford, well supplemented by the Justices, Bombay, was able to take her first step forward in the path of civic sanitary progress.

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## CHAPTER VI.

### ACT II OF 1865—THE GROUND-WORK OF THE PRESENT MUNICIPAL CONSTITUTION.

WE shall now pass on to the other salient features of the Bombay Municipal Act of 1865, which the more one examines its provisions in detail the more one is impressed with the grasp and ability of the master hand which was responsible for drafting it. It really forms the permanent ground-work on which the noble edifice of the municipal organisation now to be witnessed has been reared. Whether we bear in mind the division of power and responsibility between the Executive and the Administrative body, the imposition of direct and indirect taxation, the manner and method of its collection, the variety of machinery needed to carry on executive work, the mass of details of such work, be it in reference to water-supply and drainage, conservancy and public health, markets and slaughter houses, weights and measures, public works and public traffic, building and other bye-laws and regulations, police and lighting, trade licenses and public nuisances, vital statistics, fines and penalties, and, last though not the least, finance and powers of borrowing—when, we repeat, we bear in mind the mass of administrative and executive details so comprehensively embraced in the municipal legislation we cannot but admire the statesmanship which prompted them. No doubt a larger portion of the several sections were taken from the English Health Act of 1855 and other cognate enactments, but it was no easy task to engraft on an oriental city, for the first time striving

to be semi-oriental, (half Western, half Eastern,) with centuries of crystallised social and domestic usages, and with the faintest of faint notions as to organised communal government, notwithstanding the fact of the institution of the immemorial *punchayat*, which possessed the germs of such government,—it was, we repeat, no easy task to engraft the English provisions of municipal administration on a semi-oriental town. Looking calmly across the interval of forty-eight years, it is indeed a matter of the greatest satisfaction to know that in 1864-65, there were in the Council of the Bombay Government, men in power and responsibility, far-sighted and broad-minded enough to forecast the future expansion and growth of the city, even then fast rising to commercial eminence, and provide for it accordingly—statesmen like Sir Bartle Frere as Governor, and Sir William Mansfield as Commander-in-Chief (afterwards Lord Sandhurst), a soldier statesman of exceptional ability and strength of character, supported by an equally able and sagacious non-official personality as Mr. Walter Cassels and other non-official members of the local Legislative Council, of whom the most prominent and progressive was the Hon'ble Mr. Juggonath Sunkersett, whose majestic and dignified Maharatta figure in marble adorns the vestibule of the north-eastern wing of the Town Hall. It was owing to such official and non-official statesmen in the Council, that the Act so far-reaching in its effect on the future well-being of the city, was passed, an Act, we repeat, which even after well nigh the lapse of half a century still substantially forms the general ground-work on which municipal government is at present carried on.

Of course, as has already been stated, the elective element was wholly wanting at the time Act II of

1865 was passed. The Corporation of the Justices of the Peace was indeed a body of the most enlightened and distinguished citizens—the elite of the Bombay community, albeit a nominated electorate. The representative of the ratepayer was then in the womb of Time, but, of course, destined to take his birth at full maturity. Neither was there a Town Council to act as a Committee of Management and a brake on the Chief Executive. Nor, again, was the time ripe to entrust the privilege of appointing the principal officers of the Public Health, Engineering, and Finance Departments to the Worshipful Bench. The Government was desirous of feeling its way in the matter of local self-government. It, therefore, took tentative measures, with a view to watch the success of the experiment, before making that government more broad based and in conformity with the wishes of the people. In brief, the character of the whole Act was essentially paternal. But its patriarchal character was inspired by the most broadminded of motives, a sterling liberal spirit. Its aim and object were sound and productive of the greatest good to the population. It was entirely for *their* benefit that the machinery of the first local government was put into motion. The democratic element now to be witnessed in the constitution and administration of the Municipality had to wait. It was dreamily thought of. But for the breakdown to a certain extent of the one-man-rule, the one man chosen by the State itself, that democratic element might have been longer delayed. And it was a fortuitous circumstance in the civic history of Bombay that the breakdown occurred at what moral philosophers call the "pyschological moment"—a moment when all the stars in their course conspired, so to say, to bring about the popular element in the management

of local affairs. What that moment was, and how it arose, will be related later on. But barring the broad exceptions which we have pointed out, the Municipal Act of 1872 and the later one of 1888, which superseded it and in operation, were substantially grounded on the framework of Act II. of 1865.

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## CHAPTER. VII.

### THE LEGISLATIVE COUNCIL OF 1865, AND ITS LIBERAL MUNICIPAL POLICY.

COMING to the details of the ground work of Act II of 1865, it may be observed that the Legislature of the day had taken a very correct view of the principle on which the executive work of the city's municipality should proceed. It was not expected at the date of that legislation that such work could be efficiently and satisfactorily carried on by a Committee. The rule of Committees, whether by means of the older Board of Conservancy or its successor, the Triumvirate, known as "the Municipal Commissioners of Bombay," had signally failed. Even to-day, as a matter of fact, it is notorious that municipal executive management by a Committee is, save in two or three cities, a comparative failure, though the District Municipal Act has been fully at work in this Presidency for the last thirty years. It was therefore not wrong on the part of the Legislature of 1865, to assume that it was premature to entrust executive functions to a Committee which may meet for an hour or two once or twice a week. The innumerable functions for the better conservancy and public health of the city could hardly be discharged by such a body. All previous experience forbade it. The right principle was to recognise the fact of all executive power and responsibility remaining in one hand. Hence it was that the legislators wisely laid down that "the entire executive power and responsibility" for the purposes of the Act "shall be vested in one Commissioner, who shall be appointed by the Governor in Council,

for a term of three years, and shall be eligible for reappointment, provided that he shall always be removable from office by the Governor in Council, for misconduct, or neglect of or incapacity to perform, his duty, or at the recommendation of not less than two-thirds of the Justices of the Peace, present at a special general meeting of the Justices." The said Commissioner was styled "Municipal Commissioner for the City of Bombay." Judging by the history of civic government during the last 48 years, none will be so venturesome as to impugn the principle on which the Bombay Government resolved to vest the executive management of the city. Imagine what might have been the condition of the city had a managing Committee been entrusted with the executive work, especially in times of virulent epidemics of cholera, small-pox and last, though not the least, the plague which has been in our midst since 1896. Is it possible that such a committee, had it been legally constituted, could have at all coped with the immense and arduous work which the pestilence alone has entailed on the executive at present? And even if it had been able to cope with it (which we deny) is it possible that it could have given any satisfaction whatsoever to the citizens at large? How divided would have been the responsibility! How the committee might have been torn with internal dissensions! And how it would have become imperative on the Government to step in and carry out the work itself! To-day such reflections look commonplace. But at the time they were serious enough, though there were not wanting some who thought that the executive rule of one man might not only prove despotic but disastrous. Even as late as 1884-85, when the Municipal Act of 1872 was on the *tapis* for drastic revision, divers executive committees for divers purposes were

actually suggested; and in the original draft these were deliberately recommended, though, of course, there was to be a Municipal Commissioner. But the commonsense of the Corporation of the day, scenting from afar the inexpediency of such an arrangement, put its foot down on those proposals which had for their object a Municipal Commissioner as the autocrat with plenary powers but without the necessary responsibility which, of course, it was contemplated to throw on those boneless Committees.

Hence it was indeed a most statesmanlike policy which recognised the fundamental principle of power and responsibility and enacted that all the executive functions prescribed under the Act shall be vested in a single person, to be selected by the Government and designated the Municipal Commissoner. And here the interests of both justice and truth require that we should give credit to the Government for the uniformly wise discretion it has exercised in giving the city some of the ablest Civilians to act from time to time as Municipal Commissioner. Their selection has throughout met with approval, and some of them have indeed left an imperishable mark on the city, of their good work, and the interest they practically evinced in its welfare and progress. If the Justices of the Peace, at first, and the Municipal Corporation, afterwards, have earned a reputation for their successful management of the city's affairs, it should never be forgotten that that success was made possible by the ability, energy, and public zeal which the Municipal Commissioners themselves, from Mr. Arthur Crawford to Mr. W. Harvey, and Mr. Cadell have displayed. But for the former, it is doubtful whether even to-day the new Bombay, with its miles of roads, with its miles of drains, with its extensive halalcore service, and with its well organised system

of conservancy, might have been witnessed to that extent that is discernible at present. The existing generation of citizens has, it is to be feared, not the faintest idea of the prodigies of municipal work which Mr. Crawford, the first Municipal Commissioner, and Dr. Hewlett, the first Health Officer, achieved between them, thanks to the genius of organisation of the former and the phenomenal energy and ubiquity of the latter. Bombay city was indeed fortunate in having two such giants at the start of her municipal career who have been so justly eulogised for cleansing the Augean stable of the town of its accumulaled dirt and filth of half a century. They not only led the way but laid deep and broad the foundations of executive work on which is reared to-day that stately edifice of which Bombay is naturally and justly proud.

It will thus be seen that as far as the appointment of a chief executive is concerned, there is nothing to criticise. The wisdom of the Government of Sir Bartle Frere has been amply justified. Though the Municipal Act of 1865 came to grief within seven years from the date of its introduction, owing to the *financial extravagance* of Mr. Crawford, (which will be related later on) still the Government of Sir Seymour Fitzgerald was strong in vesting all executive functions in the hands of one responsible officer as before, under the Act of 1872, only with better safeguards with a view to the prevention of any financial *contretemps* of the nature which scandalised Bombay in 1870-71. However, every evil has its good. Another good which the carelessness of the first Municipal Commissioner wrought was indeed more than counterbalanced by the large privileges the ratepayers were enabled to obtain at the hands of the Government, thanks to the well organised and most influential agitation of the ratepayers, headed by

that redoubtable and public-spirited Englishman—the late Mr. James Alexander Forbes—an agitation as unique in the annals of Bombay as it has been the most successful in her whole history.

But the success of entrusting all executive functions in the hands of one single but responsible officer like the Municipal Commissioner was even more vigorously emphasised after the working of the Act of 1872 for fully sixteen years, by the liberal administration of Lord Reay. And that, too, with the cordial approval, in the Legislative Council, of the two most able and trusty representatives of the people, the late Mr. Juscice Telang, and the Hon'ble Mr. (now Sir) P. M. Mehta, the *doyen* of the Corporation with 43 years of magnificent service honourably and independently discharged for the greater good of the city.

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## CHAPTER VIII.

### SALIENT FEATURES OF THE FIRST MUNICIPAL ACT.

AS far as the appointment of the Municipal Commissioner is concerned, it seems that there has been no change in the principle of his nomination since 1865. The Government still exercises the right, and, in the opinion of many, very wisely, of selecting him. Again, it must be said to its credit, that on the whole its selection has been most discriminate. Mr. Crawford, Mr. (now Sir Theodore) Hope, the late Mr. Pedder, Mr. John Hay Grant—these were the able Commissioners, barring a few others who occupied the position for a short period, who have left their distinctive mark on the administration of the city between 1865 and 1880. In the last named year, Mr. E. C. K. (now Sir Charles) Ollivant was appointed. His Ædileship, was longest in our civic history. For he was Municipal Commissioner from 1880 to 1890, which was a most eventful period as far as small and large municipal reforms were concerned, apart from the fact that it was in his time that the Tansa Water Works were first taken on hand. Again, between 1890 and 1911 there have been five able Commissioners, namely, Mr. Acworth, Mr. Snow, Mr. Harvey, Mr. Sheppard and Mr. Cadell. It will however be quite evident to the student of history of the Bombay Municipality how the public at large have remained quite satisfied with the retention of the privilege of selecting the city's Municipal Commissioner from time to time, in the hands of Government. The only drawback which has been more than once remarked in and out of the Corporation is the constant change of Commissioners. No sooner has a Commissioner acquired all the threads of municipal administration and settled down in a groove,

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than he is withdrawn. The exigencies of State Service demand his presence elsewhere. Thus, on an average, a new Commissioner comes on the scene every three years. Given an exceptionally able Commissioner like the late Mr. Harvey, it is essential that he should be allowed to retain office as long as possible, so that the city may derive the benefit of his experience to the fullest.

As to the pay, too, of the Municipal Commissioner, there has been no change. Under the Municipal Act II of 1865, the salary was fixed at Rs. 3,000. But with two later pieces of legislation (of 1872 and 1888) the salary has been fixed at Rs. 2,500 for the first three years, and Rs. 3,000 after the completion of third year. Nevertheless the time must come when the salary may have to be increased, owing to increased work and the necessity of attracting really able Civilians. Now and again the permanent appointment of a Deputy Commissioner has been mooted. Hitherto the Corporation has fought shy of having two autocrats instead of one. No doubt a dual autocracy in local self-government is not to be desired; and the longer the Deputy Commissionership contemplated in the existing Act is postponed the better. There remains one more matter to be noticed in connexion with the Municipal Commissioner, under Act II of 1865. He was removable from office by the Governor in Council "for misconduct, or neglect of, or incapacity to perform, his duty, or at the recommendation of no less than two-thirds of the Justices of the Peace, present at a special General Meeting of the Justices." This power is still retained intact in the later enactments. In the existing Act, a Municipal Commissioner is removable on the motion of 48 members of the Corporation, say two-thirds. Fortunately for Bombay, no occasion has arisen to put this power into motion.

Lastly, the Commissioner had been enjoined to devote his whole time and attention to his duties. But the creation of the Port Trust necessitated that the Municipal Commissioner should be *ex-officio* member of that body; and the creation of the City Improvement Trust has further burdened him with attendance as a member of that organization. But though the time of the Municipal Commissioner is partially taken up with these *ex-officio* duties, it must be observed that his presence at the meetings of both the Trusts is for the benefit of the Corporation. Large questions of finance and other matters of importance have now and again to be seriously considered and the Municipal Commissioner of the day has to give his valuable assistance and experience. As regards the City Improvement Trust, it must be admitted that the services of the late Mr. Harvey there, were of the utmost value to the Corporation. None knew better than the four representatives of that body who sit on the Board of the Improvement Trust the benefit of his assistance and experience.

The next appointment which the Government reserved in its own hands under Act II of 1865 was that of "Controller of Municipal Accounts," who was to generally "supervise the receipts and disbursements of the Municipal Fund," and to take "charge of all municipal accounts." More, he was to be considered an officer independent of the Commissioner, as the following further extract from Section 13 of the Act shows: "The Controller's countersignature shall be necessary upon all cheques drawn against the Municipal Fund, and he shall have power to correspond direct with the Justices and with the Governor in Council." The Municipal Commissioner may draw cheques for any amount he may like, but they cannot be passed

until the Controller has countersigned them. And an independent Controller would never do so till he was first satisfied that every cheque was in order. It will be thus seen that the power of the purse was fully left to the Controller. It was a double-edged instrument. A weak Controller would succumb to the superior force of a strong Commissioner and sign away cheques without caring to vouch for the correctness of the amounts or of any excess above the budget grant. We shall show, as we proceed in our history, that it did happen, as a matter of fact, that, with a weak Controller, large sums were drawn for which no reasonable account could be forthcoming. On the other hand, with a strong Controller, not even a robust Commissioner had any chance. This also happened. The first three years of Mr. Crawford's regime had a redoubtable and absolutely independent Controller in the person of Colonel Thacker, who was afterwards Examiner of Commissariat Accounts, and many have been the ancedotes of the friction and sparring between him and that Chief Ædile. The Colonel was uniformly so much in hot-water with him that he resigned his post at the end of the first three years. Mr. Maidment succeeded him, and Municipal extravagance in matters of finance unfortunately was never controlled in his time. Things went from bad to worse till the collapse of the Crawford regime. But it will be evident that at any rate the legislators of the day had exercised wise discretion in constituting the Controller quite independent of the Commissioner. However, as they say, after all, measures, the most perfect, have to be carried out by human agency. And if the persons to carry them out fail, the measures must suffer also. This shows how in great spending departments much depends on the persons who have the control of the purse.

## CHAPTER IX

### CONTROLLER, ENGINEER AND CONSULTING HEALTH OFFICER.

THE necessity of maintaining the independence of the Controller became more manifest after the reconstruction of the Municipal administration under the Act of 1872. The post was maintained till that enactment in its turn again came to be superseded by the one now in operation. Some of the later Commissioners seemed to have grown impatient of this independent control. It was urged that the Commissioner suffered in prestige by being made dependent on the Controller. The chief executive should be made fully responsible for all departments, including that of finance. Further, it was urged that the Corporation and the Standing Committee were vested with ample powers of financial revision and control to make it almost impossible a repetition of the financial bungle which had led to the reconstruction of the Municipality in 1872. Both the Corporation and some of the leading public bodies prayed the Government for the continuance of an independent Controller; but their prayer, which was supported in the Legislative Council by the popular representatives, was not complied with, the official majority being too strong. Thus it is that the character of the supervision and control of Municipal finance has undergone a radical change since 1888. We have now only a Chief Accountant; but even that officer is a nominee of the Commissioner, he having the sole power to appoint him, of course, subject to the sanction of the Corporation. But it is admitted on all hands that the change is not for the

better, though meanwhile the Municipal financial coach has run smoothly. Still the inherent danger lurking in such an arrangement cannot be gainsaid. More. it is wrong in principle. The chief responsible authority with regard to our Municipal finance should always be an independent officer, owning no other master but the Corporation. The very fact of his subordination to the Commissioner, as at present, destroys all independence and discourages the healthy growth of that sturdy economic spirit which is so essential for the conservation and progress of civic finance. And it would be well for the Corporation, when it comes again to consider the revision of the principal provisions of the existing Act, to agitate for the restoration of an independent controllership of municipal funds. Many an excellent reform which is absolutely needed at present in the department of accounts in the Municipality hangs fire because of this dependence of the Chief Accountant on the Commissioner. When even such an expert as Mr. Harvey hesitated to have the needed reform it may be well imagined what hope there is for it with Commissioners who come to their financial task innocent of all knowledge of public finance. It is well-known how departments drift into a condition of carelessness, bordering on imbecility, and even incompetence, when they have a succession of chiefs who leave them to their own hum-drum, jog-trot and perfunctory way of carrying on the work. The Corporation is the only body which can keep a department, like that of the Accountant, on its good behaviour and in due activity. The vigilance with which some of the Councillors may regard it, after the manner of the watchdog, is the best way of keeping it up to its work. No doubt it is the fact that the Corporation annually appoints two auditors to daily examine municipal accounts and report

irregularities, if any. But these officers themselves need to be carefully watched. For, as is the case in all human affairs, especially in large and overgrown departments, that listlessness begets listlessness, with all its concomitant disadvantages. The chief financial authority and the auditors can make a capital "happy family." And so long as their relations continue to be amicable the Corporation can know next to nothing of the real working of the department. Again, a strong Commissioner is liable to bully the auditors, as has been sometimes the case. The annual report of the auditors, again, shows clearly what an uninforming document it is. It is a mere paraphrase of the report of the Chief Accountant, which tells us but too plainly of the happy-family character of the dual authorities. There, however, can be no doubt of the necessity of again making the head of the finance department of the Municipality absolutely independent of the Commissioner.

The next provision under Act II, of 1865, with regard to the principal functionaries has reference to the Health Officer and the Executive Engineer. The appointment of both was left to Government. Sections 14 and 15 of the said enactment describe how their appointments were to be made, and what were the duties imposed on them Firstly, as to the Executive Engineer: He was to be "in all things under the immediate orders of the Municipal Commissioner." He was to be appointed for a term of three years, but re-eligible for a like term. The Engineer was thus made a subordinate of the Commissioner. He had no independent authority and no power to initiate any work of his own motion. But the unwisdom of this course was amply proved later on. Of course as in the case of the Municipal Commissioner himself, there was the safeguarding clause about the dismissal of the

Engineer on grounds of misconduct, neglect of duty or incompetency to discharge it, on the recommendation of not less than two-thirds of the Justices of the Peace, present at a special meeting. His allowance was fixed at Rs. 2,000 per month, and he was debarred from holding any other appointment whatsoever.

As to the Health Officer, he was called in the Act "Consulting Officer of Health." His appointment, too, was to be made by Government. He was to be "a legally qualified medical practitioner," to be appointed for a term of three years, but re-eligible, on a monthly salary of Rs. 500 per month. Of course, he was also subject to dismissal in the same manner as the Municipal Commissioner and the Executive Engineer. But the chief duty prescribed for this consultative Health Officer was "to afford such advice to the Commissioner for the sanitary improvement of the City of Bombay as his experience and observation may indicate." It is evident that in 1865 the Government were not alive to the necessity of a full-time Health Officer, who was to devote his whole time and attention to his duties. This was to be done by a deputy. In all probability medical men of the necessary qualifications to carry on the arduous duties as whole-time officers were scarce or not permanently available. It was really the case that some of the physicians at the Sir J. J. Hospital were the only officers. But these worthies held more than one appointment. Of course, there was the Presidency Surgeon, but he too was a person with dual office. Hence, there was the further provision touching him that he was "not precluded from holding any other appointment or office which may not interfere with the performance of his duty."

## CHAPTER. X.

### DR. HEWLETT—INSANITARY CITY AND HALALCORES.

IT has already been pointed out that in Act II of 1865, the "Consulting Officer of Health" was a half-time person while the Executive Engineer was an officer who was enjoined to devote his whole time and attention to the duties of his office. But experience soon suggested that a half-time Health Officer for so large a city like Bombay was a mistake, though it must be freely acknowledged that Dr. Hewlett, who was the first incumbent, discharged his duties with an energy, ability, and ubiquity which have, since been never surpassed in our civic annals. He was, of course, the Presidency Surgeon. As such, his duties were of no light a character. But, looking across the stretch of time that has intervened since he was the first Health Officer, we cannot but marvel at the prodigies of good sanitary work he was able to achieve during the tenure of his office. From the very first he seemed to have realised the magnitude of the responsibility lying on his shoulders. The city was notorious for its filth and abominations. Go where you will, heaps of dirt and offal matter of a most offensive character greeted your senses. The conservancy of the city had been woefully neglected. There was only a shadow of a systematic service; and even worse was the condition of the privies, which used to remain uncleaned for days and weeks together in the native town; though it was a rare thing to witness anything like privies in the premises of Hindu proprietors. The primitive system in vogue in villages

was in full swing in Bombay. The difference was only this, that whereas in a village, vacant untilled grounds were freely used for purposes of nature, here the entire foreshore, on its eastern side, served a similar purpose for the Hindu population! Old residents still recollect how all along the line facing the eastern foreshore, from the end of the Mint, where now stands the Ballard Piel up to Carnac Bunder, and far away to Sewri, was one continuous latrine and privy. The foreshore used to remain continuously foul, while at certain hours of the tide the stench was as overpowering as that at and around the Love Grove Pumping Station at Worlee. The scarcity of water prior to 1863-64, when Vehar water began to be introduced into the city, was so great that it was not possible to get enough of potable water to flush a privy *even once a week*. When men, women and children used to flock by the hundreds at almost every dried up tank and well during the summer season in all parts of the town at almost all hours of the day, especially during the morning, between 1 and 6, to get a few buckets for necessary domestic consumption, how was it possible to save even a twentieth part of it for purposes of flushing a privy? The halalcore was a monopolist in those pre-sanitary days of Bombay. He represented a distinct tribe. Though deemed next only to the domestic cow or horse, he was able to dominate the most wealthy and powerful in the land, notably when the cholera season was prevalent, and when men died by hundreds owing to the use of filthy water. He was only a *voluntary* sweeper. His services were only at the command of those who could afford to pay the price he demanded. And even then this menial would sometimes prove refractory. Old Parsis can retail any number of stories of the petty *zoolum* of the halalcore over the house-owning classes. For Parsis chiefly suffered from the want of

a regular and well paid and well controlled halalcore service. The wealthiest Hindu had absolutely no privy in his house. It was considered the depth of uncleanliness to construct one. He and his family and children all repaired to the foreshore. The infants were allowed to strew the public streets freely with excremental matter which neither the police nor any other authority could check. This only made conservancy matters in most streets worse. Perhaps, in this respect, no other citizen could have given us a more vivid personal account of his experience than the late Dr. Blaney, who had been intimately associated with the city from his youth, going as far back as 1845. He alone could have given us a most minute description of the condition of the conservancy and halalcore service in days prior to the Municipal Act II of 1865. The rest may all be read in the reports of the sanitary authorities, especially of Dr. Leith. Here I have only endeavoured to give the most meagre sketch of the insanitary condition of the town as was to be witnessed immediately prior to the introduction of that beneficent piece of legislation, the real pioneer of the improved enactment we have to-day, and which our enlightened city fathers are going to improve further. Such, however, was the Augean stable which the first half-time officer of public health was appointed to cleanse. And cleanse he did most admirably and efficiently. I can well bear witness to that officer's activity. To me it is a wonder that so much was accomplished by him during his five years' tenure of office, with the very limited Municipal resources then available. The work of no other successor has come up to his. He had become the beau ideal of all, even of the Hindu population with its deep-rooted conservatism in social customs and usages. Of tact he had abundance. It was a kind of instinct with Dr. Hewlett.

He seemed to know admirably the pulse and feeling of those who had most to be weaned from their primitive usages, and to conform themselves, in the better interest of their own health, to the sanitary standards such as were in vogue in 1865. He was able, with his mild persuasion, his winning manners, and above all, his excellent discrimination, to revolutionise the whole system of conservancy, public and private. Thanks again, to the reclamation of the eastern foreshore by Government, the construction of privies in Hindu houses became imperative. Dr. Hewlett excelled himself when he succeeded in overcoming this chief social obstacle. He it was who raised, but not without infinite trouble, an army of scavengers and halalcores. In short, the city was purged of many of the putrid elements which contributed so vastly to disease and death. The first foundations in the art of practical conservancy, on recognised sanitary principles, were laid broad and deep. There was not the most obscure gully in the town which Dr. Hewlett had not penetrated and improved. There was not a lane or by-lane however unfrequented, and however remote, which had not received its proper attention. Extreme vigilance, careful supervision, stern discipline over men, and a healthful control over the department made him successful in his work, a work in which I must not omit to associate in this place his deputy, the late Mr. Brunton, who was afterwards Assessor and Collector. He ably seconded him. Dr. Hewlett was indeed the *facile princeps* of practical sanitarians. And such was his fame that even the inimitable actor Dave Carson, who in those days so well catered for public amusement, and delighted his audience with a profusion of native wit which had really a tonic effect, had made his name popular with topical songs composed in

his honour, which were enthusiastically encored in the Grant Road Theatre.

This was the sanitary work accomplished by Dr. Hewlett as a half-time officer. But it soon became manifest to the authorities as well as to the citizens at large that Bombay was too large a place to be sanitarily supervised by a half-time officer, however energetic and indefatigable he might be. Problem after problem in practical sanitation and public health cropped up for solution as one initial difficulty after another was overcome. And it was recognised that for the city's care a full-time officer was absolutely essential. Thus, it came to pass that in 1872 a full-time health officer was for the first time recognised as a public necessity. The new Municipal Act of that year fully responded to the public opinion of the day. We have had since 1872 a full-time officer—"a legally qualified medical practitioner, to be called the Executive Officer of Health," who, in the words of Section 45 of the Act was "to be appointed for a term of three years," and was to be eligible for re-appointment, and subject to dismissal as before. He was "precluded from holding any other appointment or office" and was "not to engage in professional practice, either gratuitously or for gain." The salary was fixed at a minimum of Rs. 1,200 and a maximum of 1,500 rupees per month. Further experience, extending over sixteen years, necessitated a further revision as to the term, pay, and duties of the Health Officer. The Act, under which the Municipality is now worked, extended the term of the appointment from 3 to 5 years. For a better test of his efficiency the Corporation is authorised to appoint "a person probationally for a limited period only previous to appointing him for the full term of years." But with the growth and expansion of the city, and with

its deteriorated condition of public health, it became futher evident that for a really superior health officer, well conversant with the latest practice in the art of sanitation, it was necessary to increase the salary from Rs. 1500 to Rs, 1,700. And in order to attract first class talent it was also deemed essential to allow him a pension.

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# CHAPTER XI.

## THE MONSTER PUBLIC AGITATION AND THE REFORM BILL OF 1872.

AS regards the Executive Engineer, the changes that have been made in the three different pieces of Municipal legislation may be briefly summarised as follows. In the Act of 1865, he was full time officer, appointed by Government for a term of three years on a salary and allowance not exceeding two thousand rupees per month. In Act III of 1872, the right of appointment was left to the Corporation, but subject to the sanction of Government. This was also the case, as we have already pointed out, with the appointment of the Executive Health Officer. The right was conceded to the representatives of the rate-payers, but not without a hard struggle on the part of the Government of the day. It is needful to remember at this stage that that Act III of 1872 was the healthy outcome of the prolonged, but most influential, agitation which commenced in the latter days of the administration of Mr. Arthur Crawford. His finances were in a condition of chronic embarrassment: so much so that an eminent mercantile citizen of the day, and one of Her Majesty's Justices of the Peace, the Hon'ble Mr. Hamilton Maxwell, of the well-known firm of Messrs. William Nicol & Co., had to declare openly at one of the quarterly meetings of the Justices that the Bombay Municipality was "bankrupt," and not in a position to pay its debts. The declaration had the same effect among the more active and energetic Justices as that of a bombshell thrown in the midst of a quiescent assembly. The news

spread like wildfire. People rubbed their eyes and commenced enquiring whether the statement was absolutely correct! Among the rate-paying body there was the intensest alarm. It had a few sturdy spirits who were not slow to seize the occasion and bring about a wholesome reform. Even within five or six years of the existence of the first Municipal Act the tales of Municipal "Zoolum" and corruption were legion. The minds of the rate-payers were exceedingly exercised, and this declaration of the insolvency of the Municipality offered them enough pabulum to found a strong and swift agitation. The rate-payers held a monster meeting, the demonstration in Hyde Park, in the memorable year 1866, being fresh in the memory of some of the leaders of the agitation. This was followed by severe comments in the Press, till at last the redoubtable Mr. J. A. Forbes, of the great house of Forbes & Co., led the impeachment of Mr. Crawford before the Bar of the Justices' bench, vigorously supported by the sturdy Captain Henry and Mr. John Connon, by the uncompromising Mr. Norwoji Furdonji, by economic authorities like Messrs. James Taylor and Martin Wood, and by Messrs. V. N. Mandlik, Sorabji Shapurji Bengalee and others. On the other side there was the chivalrous Mr. Robert Knight, great in argument and great in economics, the gallant Colonel Hancock and Dosabhoy Framji. But the details of the origin, history, and progress of that agitation, which has remained unsurpassed in the annals of Bombay must be reserved for another chapter. It will be sufficient to say at present, with reference to the immediate object of this chapter, that the agitation was crowned with complete success. Its principal aim and object was achieved. It drove a reluctant and a too indulgent Government to reform Act II of 1865. The rate-payers demanded com-

plete powers for themselves to manage their own affairs. "Taxation should go with representation"—that was the battle-cry. The Bombay Government, then presided over by the able and accomplished but easy-going Sir Seymour Fitzgerald, was taken by surprise at the vigour and potent influence of the movement. It never took thought of the intensity of the public spirit, which till then had lain dormant in the average citizen. At first it took little notice of it. It was represented to it that it was a storm in a teapot, and would soon blow over. But as the agitation spread, and as it increased in volume and strength, the Government became convinced that it was not to be allayed till it had reasonably responded to the demands of the rate-payers. The chief cause of the extreme reluctance and dilatoriness in speedily meeting the popular demand was Mr. Tucker, the Senior Member of the Government. That Councillor was nothing if not the embodiment of dogged pertinacity. As a Judge on the Bench of the High Court he had shewn a firmness, tenacity and impartiality which were the theme of universal praise. On the Insolvency Bench he did such excellent work in purging the city of its dishonest and fraudulent debtors, that he become a terror to all insolvents—a terror mightier than that inspired by the distinguished Mr. Anstey while acting as a Judge in 1865. In fact, Mr. Tucker on the Bench was the prime personification of a Rhadamanthus. But his Rhadamanthine impartiality suffered an eclipse when he descended from the Bench to blossom into a full-blown civilian bureaucrat. He could not drop off the traditions of the Service to which he belonged. His convictions were unto him a law—aye, a law as irrefragable as that of the Medes and Persians. His friendship and admiration for

Mr. Crawford almost blinded him to his defects. He was indeed the despair of Sir Seymour Fitzgerald who, though a Conservative, was liberal-minded enough by culture and education, and above all by that valuable training he had acquired as a parliamentarian, which is lamentably wanting even to-day among our Anglo-Indian bureaucracy. They do not know how to concede to popular wishes and end agitation, and recognise the fundamental principle of local self-government that those who pay the taxes are bound to have the right of representation. The principle, Mr. Tucker would not recognise till compelled by the stress of popular opinion, vigorously echoed in the Press. At last, when he was driven to admit its force, he was the most obstructive in granting the needed concessions. The original Bill III of 1872, was drafted in a spirit of the utmost niggardliness. As it is a wrench to the miser to unstring his purse, so it was to Mr. Tucker. He was chary enough to concede certain important rights and privileges till then reserved by Government to itself as a paternal authority in Indian administration. Hence the original measure was most illiberal. The rate-payers were not satisfied with it. Fortunately for them, they had in the Legislative Council the redoubtable Mr. Forbes himself, who had unreservedly and courageously put himself at the head of the popular movement, in which the majority of the non-official Europeans of the day actively sympathised. There was also the sturdy Mr. (afterwards Sir) Mangaldas Nathoobhoy with the whole rate-paying population at his back. Thus encountered, the battle in the Council Hall was indeed a most stiff one. But Mr. White, the Advocate-General of the day, was more than a match for the iron-hearted Mr. Tucker. To his remarkable independence, broad and cultured views, grasp of the real

situation, and complete acquaintance with the feelings and thoughts of the populace, Bombay in a great measure owes the immense number of alterations which the draft Municipal Bill of 1872 underwent. He openly told the Council that if the Government was inclined to give any representation to the rate-payers, and if that body was called upon to undertake grave responsibilities, it was right and proper to entrust it with commensurate power and authority. It would not do to make a show of concessions to popular demand and still reserve all power in the hands of the Government. In short, he condemned the "homœopathic doses" of representation which the Government contemplated giving. The battle was long and arduous; but the hero of the day was Mr. Advocate-General White, he who afterwards sat on the Bench of the Calcutta High Court, ably supported by his non-official colleagues. Thus was the freedom of the city won. And thus it came to pass that the rate-payers for the first time wrung from an obstinate and reluctant Government the right of appointing their own Health Officer and their own Executive Engineer. To salve the sore in the breast of Mr. Tucker the nominal right of the appointment was made subject to the sanction of the Government. But no Government has since dared to veto the appointments made of the two officers from time to time by the Corporation. It was a popular triumph. Hence, it was enacted in Act III of 1872 that both the Health Officer and the Executive Engineer should be appointed by the Corporation. The term of both, however, was fixed for three years, with power of re-appointment. But the salary of rupees two thousand, which was allowed under Act II of 1865 was reduced to 1,500 rupees, with a minimum of 1,200

rupees. That was the material alteration in the Act of 1872. The further change introduced by the existing Act is simply confined to the first period of the appointment. It has been extended, and very wisely too, as suggested by the sixteen years' experience of the second Act, from three to five years.

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## CHAPTER XII.

### LEGISLATIVE DEBATE AND MR. WALTER CASSELS.

THOUGH we have completed our history of the evolution, so to say, of the Health Officer and the Executive Engineer in our Municipal administration during the last forty-eight years, we should not omit to refer in a special manner to the very excellent debate which had taken place in the Legislative Council in 1865, then held on the "Durbar Room" in the Town Hall, as regards the former. It is so interesting and instructive that I feel my narrative of early Municipal Government in the city would be incomplete without it. We have already observed that in the Act II of 1865 the Health Officer was half-time, and that one of the reasons which actuated the Government of the day in giving the city a medical officer who was only to devote a portion of his time to his duties was the paucity of qualified men in the profession. But beyond this there was another reason, namely, that the English Health Act of 1856 only provided for a Consulting Health Officer. But be it said to the credit of the far-sightedness of the mover of the Bill, no other than the level-headed, practical, and most talented Mr. Walter Cassels, that he fought hard to obtain for the city a full-time officer. Subsequent events conclusively demonstrated that he was absolutely sound in his contention that for a populous town like Bombay it was a pure mockery to have a mere half-time consulting medical officer. It may be useful to recall the fact that in 1865 the Government consisted of Sir Bartle Frere, as Governor, Sir William Mans

field (afterwards Lord Sandhurst), Mr. Frere, a senior brother of Sir Bartle, and Mr. J. D. Inverarity, the father of the distinguished barrister of that name in our High Court. Among the Indian non-official legislators there were the strong-minded Mr. Jugganath Sunkersett and the amiable Mr. Rustomji Jamsetji Jeejibhoy, the second son of the first Sir Jamsetji Jeejibhoy. Among non-official Europeans there was Mr. Cassels, a host in himself, and a most powerful debater, with whom was the then Advocate-General. Lastly, there was Mr. (afterwards Sir Barrow) Ellis, a Civilian beloved by the Mofussil. It will be thus seen that the Legislative Council was composed of strong men of light and leading headed by a most experienced Civilian who had made his mark as a liberal administrator in the Viceregal Council presided over by Lord Canning, that great statesman of renown still unsurpassed, whose memory is so dearly cherished by all India.

Following the English Health Act of 1855, the Select Committee had adopted the section for the appointment of a Health Officer who was not to be permanent. Mr. Cassels disapproved of the arrangement, urging that it was absolutely essential, even in the then condition of public health, that the medical man of the Municipality should not be merely consultative, but executive, devoting his whole time and attention to the conservancy of the town. Said Mr. Cassels: "The Medical Officer, like the Engineer, would really be merely a Deputy Commissioner, and if it be conceded, as I suppose it must, that it is desirable to provide assistants for the Commissioner, who have special knowledge, it cannot be denied that a practical knowledge of sanitary science must be invaluable in aiding the Commissioner to clear this Augean stable of Bombay." He thought it to be

a contradiction of the leading principles of local self-government that there should be entertained the idea of a purely consultative medical officer, not permanently attached to the Municipality. Independent as he was; and strong in the strength of his convictions, that public spirited Scotch non-official in the Legislative Council did not mince matters. He gave out his objection on the point in the most scathing but parliamentary terms. "It is unreasonable in the abstract, and particularly objectionable when applied to so important an appointment as that of the Sanitary Officer." He accordingly moved an amendment to the original section as adopted by the Select Committee that the Health Officer should be full-time. In doing so, he further observed that he regretted he had not more fully stated his reasons before the Select Committee. Still he hoped the Council would reconsider the question. "Reflection and inquiry had strengthened his conviction that it was absolutely necessary at present that a medical man should be permanently attached to the Municipality. He submitted that if it were desirable that one of his assistants should possess a practical knowledge of engineering, it was equally desirable that another should aid him with a practical knowledge of sanitary science; and he believed that all who were acquainted with Bombay would bear him him out in asserting that such an officer was indispensable in the present state of our conservancy." The half-time system had long been in vogue during the regime of the old Board of Conservancy and its successors, the Triumvirate of the Municipal Commissioners of whom Surgeon Major Pelly was the chief. The city was in a frightfully insanitary condition as the earlier report of 1855 made by the Engineer, Mr. Conybeare, declared, and as the two subsequent reports of Dr. Leith and Dr. Haines more

than confirmed. Mr. Cassels observed that he would ask his colleagues to consider for a moment the sanitary state of Bombay. He quoted Dr. Haines's report, which observed that the mortality "was the largest that has been recorded in Bombay, and nearly one-third in excess of the average of the previous ten years. The deaths from fever that year were the largest number ever before registered." It is indeed remarkable that even after a lapse of 48 years, with a highly organised department costing 22 lakhs per year, we have to-day to make a similar complaint. Our mortality last year was 35·72 per 1000, including plague, though we have now three sources of water-supply where there existed but one. Said Mr. Cassels: "Causes fatally contributing to this result—squalid filth within doors and without, deficient arrangements for scavengery and conservancy, and imperfect drainage—have been amply exposed in the late sanitary report of Dr. Leith."

However, to conclude. Mr. Cassels closed his observations on the subject of the full-time appointment of the Health Officer, by a powerful and convincing speech, which was characterised as much for the soundness of the principles it inculcated as for its practical sagacity. He ended his speech by saying "The half-time system had been well tried and altogether failed, and he thought it ought not to be retained in the Bill, of whose leading principle it was a positive contradiction." Considerable discussion took place on Mr. Cassels' amendment but then, as now, the official majority carried the day and the section was allowed to stand, that is to say, a half-time Consulting Health Officer was appointed. But three years of practical working proved that after all the hard-headed Scotchman, who had fought the Council on the subject, and divided it with all his native logic and vigour, was the true

prophet, while the official legislators were egregiously in the wrong.

It was, however, a triumph of Local Self-Government when the Health Officer was made a whole-time official, and the principle for which Mr. Cassels had fought so hard was amply vindicated.

## CHAPTER XIII.

### EARLY MUNICIPAL AUDIT.

COMING to the auditors, it may be observed that their duties and remuneration were not specially defined in the Municipal Act of 1865 as they have been in the Act of 1888. As experience was gained, legislation regarding Municipal audit was made more and more explicit, with the view to ensuring complete financial vigilance, and inspiring confidence among the rate-payers. In the first Act, it was prescribed in section XXXVI, that "the accounts of the receipts and expenditure of the Municipal Commissioner on behalf of the Justices shall be audited and examined once every year at the least, at such time and by such auditors as shall from time to time be appointed by the Justices."

The auditors were empowered to produce before them, for purposes of examination "all books, deeds, contracts, accounts, vouchers and all other documents and papers which they may deem necessary." Those who may refuse the production of such papers were subjected to a penalty not exceeding one hundred rupees. As to remuneration, it was left to the Justices to fix it at such a reasonable figure as they thought fit. The earliest auditors of the municipal accounts were Messrs. Ragunath N. Khote and A. F. Moos. They were both competent persons, and were allowed a remuneration of one thousand rupees each. But Mr. Khote soon retired from the auditorship, and his place was taken by Mr. George Ramsay Wilson, of the firm of of Brodie and Wilson, Public Accountants. Of course, under the next Act of 1872, the duty and responsibility of audit in the first instance lay specially on the new Town Council, constituted under that legislation, and on auditors also. I shall refer to these alterations later on both in

the Act of 1872 and that of 1888. Meanwhile it may be useful to recall to the mind of the reader the special provision in Act II. of 1865 which had no doubt for its object the greatest publicity in the matter of the disposal of the Municipal Fund by the Municipal Commissioner, who was in reality the Dictator. The provision was that "before each audit and examination of accounts the Municipal Commissioner shall give ten days' notice of the time and place at which the same will be made, by advertisement in the *Bombay Government Gazette*, and in at least one of the daily English newspapers and in two Vernacular papers published in Bombay, and a copy of the accounts to be audited and examined shall be deposited in the office of the Commissioner and be opened during office hours thereat to the inspection of all persons interested for seven days before the audit and examination; and all such persons shall be at liberty to take copies or extracts of the same without the payment of any fee." This provision, it will be admitted, was a liberal one, and introduced with the apparent object of attracting public interest in municipal finance and at the same time serving as a sort of check on the Municipal Commissioner and the Controller themselves. So far it was a beneficent provision entirely for the protection of the rate-payers The Municipal franchise had not yet been conferred on them; but the principle was recognised by the broad-minded legislators of the day that those who were called upon to contribute to the Municipal fund should have the right to acquaint themselves with the way in which their monies were spent. It was the concession of the principle of taxation and representation but in a rudimentary form. The concession was indeed valuable, though it is not known that the rate-paying public, save some J. P.'s, availed themselves of it. That great inquisi-

tor of all public accounts, Mr. Nowroji Furdonji, was not then in Bombay. But as soon as he returned from London his eyes were directed towards Municipal finance; he was ably supported by Mr. Soraji Shapurji Bengalee and Mr. V. N. Mandlik. It was their zealous scrutiny which eventually led to the challenges at H. M. Bench of Justices. The challenges in their turn led to the appointment of a Finance Committee to examine the accounts and ascertain the liabilities of the Municipality which the public gossip of the day had treated with all manner of exaggerations. That there was sufficient foundation for the ugly rumours as to the bankruptcy of the Municipality cannot be gainsaid. The principal duty which devolved upon this Finance Committee was to prove the truth of the rumour to the bottom. Mr. Hamilton Maxwell was the Chairman of the Committee and one of the shrewdest of merchants, and of an independent character. The investigations no doubt brought to light a number of irregularities and illegal contracts, so that that gentleman was justified one historical day in the Bench of Justice in proclaiming from his seat the insolvent condition of the Municipality. The declaration spread like wildfire, which eventually culminated in that charge against the Municipal Commissioner at the bar of public of opinion to which I have already referred in a previous Chapter. But the disclosures also demonstrated the fact of the inefficiency of the audit which was then conducted half-yearly. Many flaws were found with it, and after the Hope Committee had made its report on the general condition of Municipal finance it had become inevitable that the system of audit should be put on an entirely reformed basis so as to be an efficient check and control over the head of the Financial Department and the Commissioner. The reform was accordingly introduced into the Act of 1872.

## CHAPTER XIV.

### ACT I OF 1872 & ACT III OF 1888.

WE have already pointed out that Act II of 1865 prescribed that the accounts of the Municipality should be audited and examined once a year at the least. Practical experience, however, showed that an audit taken once every half-year was insufficient. Meanwhile the transactions of the Municipality expanded, and it was a foregone conclusion that they would go on expanding as the various municipal operations extended in every direction from year to year. The new Act I of 1872, therefore, prescribed a monthly audit: but the remuneration to be paid to the auditors was still left to the discretion of the Corporation. In the earlier years it was kept at 5,000 rupees. The auditors were still empowered to demand all papers, vouchers, and documents incidental to their functions, while those refusing their production, or withholding them, were liable, as before, to a penalty of a hundred rupees. But the provision for a monthly audit obviated all necessity for exhibiting the audited accounts and inviting the public to inspect them annually for seven days without charge. It was found that the public did not care for, or take any interest in, the privilege, and it was of no use allowing the concession to stand any longer on the statute book. It was expected that the monthly audit would be a considerable improvement on the old system of a half-yearly examination of accounts. The work was already increasing, and a monthly audit was held to be absolutely essential. In fact,

oftener than not especially after 1880, when extensive drainage and water works were taken in hand, and loans for a variety of purposes had to be raised, the difficulties of the auditors increased. They were hardly able even to finish a month's audit at the end of the succeeding month, and it had become inevitable that sooner or later a weekly or daily audit, which would be concurrent with the operations of a single week or day, should be an accomplished fact. Meanwhile, Act I of 1872 had established the Town Council, the predecessor of the Standing Committee under the present Act. That body was vested with certain financial powers, and it was thought safe to empower it to call for the Auditors and obtain such information form them form time to time as may be necessary. This was a logical sequence owing to Section 30 of Act I of 1872 having enacted the following : "It shall be the duty of the Town Council to conduct a weekly audit of the Municipal receipts and disbursements, and to publish weekly an abstract of such receipts and disbursements for the preceding week, certified by the signature of at least three members of the Town Council." The Town Council was thus made primarily responsible for auditing the receipts and outgoings of each week; while the auditors were held responsible for a monthly audit. But as just stated, the auditors were enjoined by Section 32 to supply any information whenever required by the Town Council, which "may be desired as to the progress of the audit of the account." Moreover, a new duty was laid on them in the same Section, namely, that, in the month of February in each year, they were "to deliver to the Town Council a report on the audit of the whole of the said accounts for the previous calendar year." This report was to be printed and circulated to the Corporation with the annual state-

ment of accounts to be furnished by the Municipal Commissioner and reviewed by the Town Council.

Thus, a distinct advance in the method and manner of audit of the municipal accounts was made in Act I of 1872 with sufficient safeguards. In fact, this was due to the solicitude of the Government to see that none of the scandals which occurred in connection with municipal finance during Mr. Crawford's regime should take place. It was, indeed, wise of the legislators of the day that the duty of fully safeguarding the finances was placed on the right shoulders. The Town Council was invested with the power of raising taxation, and it was right and proper that the same body should see that its collection and realisation were properly conducted, and the moneys carefully disbursed: the auditors were an independent body to further check the accounts; while the duty of submitting annual report was strictly enjoined, so that any irregularities or defects may be pointed out and corrected or even investigated, if need be. It may be here observed that during the earlier currency of Act I of 1872 the auditors were greatly on the *qui vive* to detect irregularities and report the same. As a sample, we may quote a little extract from their report of 1879. Some strictures were made by the Corporation as to the apparent loss of about 50,000 rupees in connection with liquor receipts. The loss was nominal, and had arisen owing to the change made in the system of collecting liquor-license fees by the Government. The matter was so much animadverted upon in the Corporation that the auditors of the day felt it their duty to clear it up and correct the misleading impression previously created in the Corporation as under: "The Liquor License was collected in the month of December every year in *advance* for the *succeeding* year.

Had this fee been collected as usual in December, 1877, for the year 1878, the above deficit would not have appeared . . . The dead loss of Rs. 50,000 to 70,000, animadverted upon by some members of the Corporation, after all appears to be a myth, and it will be a source of gratification to the Corporation to know that Government, in stopping the irregular system of collecting the liquor-license fee in advance, has not inflicted any loss upon the Municipality." So far good. But as years advanced, the auditors fell into the humdrum routine groove, so that it was but rarely that anything was stated in their annual report which was striking. As a rule the report was a drivelling paraphrase of the more comprehensive report of the Chief Accountant.

Lastly, the whirligig of time brought another revolution. Act I of 1872 was superseded by Act III of 1888, which made extensive contitutional changes. The Town Council was superseded by the Standing Committee, with enlarged financial functions and corresponding responsiblities. Of course the whole duty that it should conduct, or cause to be conducted under its superintendence, a weekly audit of Municipal accounts, was continued. Only two members instead of three were, however, enjoined to sign the weekly memorandum of receipts and disbursements. But a further advance was made as regards the examination of accounts by the auditors. The monthly audit was superseded by the weekly. Again, for the first time, the maximum remuneration was fixed in the Act itself. The work had immenesly increased, and it was right and proper for purposes of an intelligent, independent, and efficient audit that the remuneration should be commensurate with the work devolved on the auditors. So it was enacted that the maximum of remuneration

allowable to these officers should be ten thousand rupees. But more than this, the Corporation had this time insisted on the auditors bringing to the notice of the Standing Committee all irregularities. Previous experience showed that after a time auditors were liable to become subservient to the Commissioner and the Accountant; and that such subserviency was prejudicial to the true safeguarding of Municipal funds. Hence, for the first time, a duty was enjoined on the auditors to report to the Standing Committee "any material impropriety or irregularity which they may at any time observe in the expenditure or in the recovery of monies due to the Corporation, or in the Municipal accounts." This is, undoubtedly, a wholesome provision. Once or twice auditors have been known to take exception to items of "discretional contingencies," and so forth, but it seems that on the whole, during the twenty-four years that the Act has been in operation nothing "material" has been ever reported. It is generally believed that the municipal audit is not conducted as it should be, and so long as this state of affairs lasts, nothing special will be known, and Section 137 (1) is likely to remain a dead-letter. The annual statement by the auditors is still a feeble paraphrase of the Accountant's report. It is to be hoped that there may soon be a reformation in the system of audit and of accounts. The last needs a radical reorganisation, and the Standing Committee would do well in introducing the method of accounts which Mr. Harvey, as the Accountant-General of the day, had suggested in his review of the accounts for 1893.

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## CHAPTER XV.

### EARLIEST MUNICIPAL FINANCE.

TURNING now to Municipal finance, it was observed in a previous chapter on the origin and progress of municipal government in the city, that the first faint attempt at something approaching local taxation was initiated in 1836 under a Parliamentary statute. But when the Court of Petty Sessions, which also discharged rudimentary conservancy and police functions, was superseded in 1845 by a Septennate called the Board of Conservancy, the first Municipal Fund proper was instituted under the control of the Bench of Justices as then constituted. But with increasing responsibilities laid on its shoulders by the Government, the principal of which was, of course, the cost of the town police, amounting to over half a lakh per annum, it was found out in 1850 that the civic management could not be carried on efficiently without some further taxation. Accordingly, the Board was authorised, under the supervision of the Justices, to levy property rates and a license duty on tobacco. Power was also given to levy a rate on vacant foras land. In this way the Board made a headway, and did its best to swell the annual receipts of Municipal fund. We have before us an old statement of income and expenditure, from 1846 to 1852, from which we cull the following financial gems for the curiosity of the student of local finance.

| | | 1846. | 1852. |
|---|---|---|---|
| House Assessment .. | Rs. | 1,33,000 | 1,72,000 |
| Assessment on Government Buildings | ,, | 13,000 | 13,000 |
| Market Fees .. | ,, | 30,000 | 64,000 |
| Wheel Tax .. | ,, | 50,000 | 80,000 |
| Liquor Licenses .. | ,, | 49,000 | 35,000 |
| Fines .. | ,, | 6,000 | 5,500 |
| ,, by Magistrates .. | ,, | 24,000 | 18,000 |

Excluding miscellaneous items, the income in 1852 was 3,87,000 rupees. The expenditure of the year was Rs. 3,48,000, while the available surplus cash balance was Rs. 78,000. The principal items of expenditure may be exhibited as follows:—

| | | 1846. | 1852. |
|---|---|---|---|
| Police Contribution .. | Rs. | 45,000 | 53,000 |
| Cost of Establishment .. | ,, | 13,000 | 23,000 |
| ,, Exe. Engrs.' Establmt. .. | ,, | 14,000 | 15,000 |
| ,, Conservancy .. | ,, | 14,000 | 13,000 |
| Public Works .. | ,, | 2,81,000 | 2,27,000 |

This interesting relic of civic finance sixty years ago may be compared to the fat revenue of Rs. 1·20 crore which is yielded to the rich "Kingdom of Bombay" in the year of grace 1913.

But let us turn our attention to the more prosperous times of 1864-65, when the city was rolling in wealth on account of the money poured in from the profits of the cotton trade, induced by the American War. The time was opportune to establish a municipal fund which should not only be fat, but elastic enough to grow with the growth and expansion of the city. But while providing the necessary sinews of war to combat dirt and disease, and otherwise make the city sweet and pure, the Government of the day was not unmindful of the rot that had set in in the finance department of the Municipal

Triumvirate which superseded the Board of Conservancy and reigned supreme for about seven or eight years. They were in a state of muddle and inextricable confusion; and it was, therefore, deemed necessary to provide checks and control in the first Municipal Act. The Hon'ble Mr. Cassels, who was in charge of the Bill, had to quote the following extract from the report of the helpless Bench of Justices, which, no doubt, will inform the reader of the reality of the muddle: "It is, of course, to be desired that a full and correct balance sheet should be laid before the Worshipful Bench, but this the Commissioners (the Triumvirate), regret to say, it has been found impossible to draw up; the accounts of almost every department of the Municipality are in such a state as to render it impracticable to give it with any degree of certainty and precision." Why? Because, as will be seen from what follows further from the same report, (quoted by Mr. Cassels before the Legislative Council) there was not only gross neglect to keep the accounts, but because it was the interest of the permanent bureaucracy of the municipality of the day to continue their peculations. The whole passage is so remarkable, that we think ourselves justified in reproducing it here, if only its perusal leads the Councillors of to-day to apprehend the importance of invariably keeping a strict vigilance over municipal finance in all its branches. As Lord Welby observed as President of the Royal Commission on Indian expenditure, in matters of finance we should trust nobody. Each Councillor who is in reality a trustee of the public monies, should act as a watchdog. But there were no watchdogs to speak of in the pre-legislative days of the Bombay Municipality. So things went on merrily. Of the three Municipal Commissioners, who had sole responsible authority on all executive matters, two

were half-time officers. Practically, only one devoted himself to his duties for the whole time. It was naturally impossible that such an official should have the eyes of Argus and the hands of Briaræus. No wonder that corruption reigned rampant, and the accounts were in a condition of inextricable confusion. The report stated that "in the Surveyor's department there are considerable unadjusted advances, dating as far back as December, 1863; among these are many large sums which were advanced not only to the gentleman who has recently vacated the appointment, but also to his predecessor." Here the reader will no doubt read much between the lines, and question what may be the amount of the advances and who may be the "gentleman" who was obliged to retire? Next is another curiosity, "Many bills are still coming in for work performed and material purchased for which there is no authority on record, and for which we are obliged to accept the word of the people presenting them." Happy officials, and happier store suppliers! What a condition of responsibility, and what a reckless disregard of check and control at the public expense? But still worse is the woeful tale narrated of rascally contractors. "Contracts to the amount of several lakhs have been found to have been made, and though large advances have been made upon them, there is not the scratch of a pen whereby to render the contractors liable to law for the time in which the work should be performed or the rates to be paid for the work, or for insuring good workmanship and materials. The Commissioners have been almost at the mercy of contractors, and still may be so, as it has been found impossible hitherto to adjust their accounts." This is a pitiful tale indeed. Who would not commisserate the Commissioners of the day who found themselves in the unenviable position of being abjectly

helpless to drag the defaulting and dishonest contractors to court and make them disgorge the sums advanced to them beyond the cost of the actual work performed. There is a further commentary which the Councillors of to-day might carefully note. "In the Velhar Water Works Department matters do not appear in a much more intelligible light." Those who were old enough at the time these works were constructed, could still narrate how the town was rife with a variety of ugly rumours touching all connected with the construction. Observed the mover of the first Municipal Bill: "No sketch of mine could so graphically portray the gross features of the system as this letter in which the Commissioners are painted by themselves. I must confess, Sir, that after such a history of municipal management however confused may be municipal accounts, however bankrupt the municipal funds, and however bad the conservancy of the town, I think we have good reason to congratulate the community that things are no worse." And, we, of the present generation, might also observe, as Mr. Cassels did, that things did not take a worse turn, thanks to his public spirit and the farsighted statesmanship of that liberal minded administrator who was at the helm of affairs in this presidency, and who gave us the first free charter of Local Self-government on a sure and solid foundation on which we witness to-day the proud edifice that has been reared and which is the envy of all municipal organizations in the Empire at large.

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## CHAPTER XVI.

### "DISGRACEFUL" FINANCE AND THE STERN NECESSITY OF A RIGID CONTROLLER.

FROM the extracts from Mr. Cassels' speech, quoted in the last chapter, the reader must have been convinced of the hopeless financial muddle and confusion which reigned supreme during the administration of the Board of Municipal Commissioners. Finance, from the very beginning, seemed to have been the weak point of the Municipality during its period of infancy. It was the want of funds in the first instance which led to an appalling neglect of the conservancy of the town which even in those days claimed a large number of victims annually. The scarcity of water coupled with its impurity was a fruitful source of mortality from cholera. But even when funds were advanced by the Government to construct the Vehar Lake, the debt on which is still being liquidated, it seemed that ducks and drakes were made with the public money, and the scandal in connection with the Vehar Water Works was for a long time a by-word of reproach. Again, as taxes began to multiply, and the staff for collection had to be augmented, it was discovered that corruption and peculation were most rife. Apparently, there was no watch and ward over the City's funds. No wonder that Mr. Cassels strongly animadverted on the discreditable condition of Municipal finance as was to be noticed in 1864. All were agreed that a tight grip was needed to keep the Municipal treasury, by no means so fat as in these days—with lakhs of surplus cash balances—under strong check

and control. The old old question, who shall keep the custodian in custody, had again cropped up, and had to be satisfactorily solved. It was deemed indispensable that the person responsible for the disbursement of the finances should be different from the one who should afterwards take an account of it. Mr. Cassels found the solution of the question by recommending a Controller who was to be entirely independent of the Commissioner. Thus it came to pass that Section XIII of the Municipal Act of 1865 provided for the appointment of a Controller of Municipal Accounts. But before proceeding to give a brief history of this post up to date, it would be well to quote another part of Mr. Cassels' speech. "I trust," observed the honourable gentleman, "that the extracts which I have just read from the letter of the present Municipal Commissioners relative to the disgraceful state of the accounts of the Municipality may have rendered it unnecessary for me to trouble you with any arguments in favour of the creation of this office. Upon a recent occasion the President of the present Commission opposed the nomination of one of his subordinates as a candidate for the office of Commissioner on the ground that a sum of some 3½ lakhs of rupees in the accounts of his office had remained for many months unaccounted for although that officer had been repeatedly called upon for explanation; and in the letter from which I have quoted, you will remember it was stated that a sum of over three lakhs had figured at the credit side of the balance sheet although not a single rupee of the amount had been actually paid! Even in the statement laid by the Commissioners before the Bench as the justification of their letter an error of *ten lakhs* was discovered at the meeting! I trust that with a competent Controller we shall not hear any more of such discreditable irregularities." The duty

of the Controller under Section XIII was well defined. That officer was to see that the budget sanctioned by the Justices was made the basis of expenditure. In order, however, to prevent "any serious financial obstruction either by misunderstanding or contumacy," the section in the original draft had provided that should the Controller refuse to countersign any cheque, presented by the Commissioner, he is to report the fact, with a full statement of reasons, both to the Justices and Government, within 6 hours of its occurrence. This proviso was eventually dropped as too drastic.

It cannot be denied that the first Municipal Act had been carefully drawn so far as the provisions regarding the control of Municipal finance were concerned. The citizens and the Government alike were so scandalised by the laches and something worse, of the previous regime of those in whose hands the Municipal funds principally lay, that they were all determined to introduce a thorough and wholesome reform. But in all matters of Central or Local Government the human element has to be carefully taken into consideration. The measures adopted for popular safety, be they political, judicial, or financial, so long as the *men* entrusted to carry these out are incompetent or corrupt, or impotent, it is hopeless to expect any success. The object to be aimed at and achieved, however beneficent, is defeated. The Government of the day, which was composed of men of high calibre and great moral strength, and withal versed in statesmanship—and in this respect there could not have been two stronger personalities than Sir Bartle Frere, the Governor, and Sir William Mansfield, (afterwards Lord Sandhurst), the sternest military disciplinarian and Commander-in-Chief—understood the value of men to carry out State measures, and was most anxious, therefore, to

select the most qualified and independent person for the post of Controller—one who, in matters of finance would trust no one, not even himself. Such an official was found in the person of Major Thacker, Commandant of the Bombay Marine Battalion, but for long employed on staff duty. At this time he held the office of Examiner of Commissariat Accounts. Major Thacker was well known as a master of details. He would beat the cleverest Babu in the Accountant-General's Department. Such was his stern and independent character that he had made himself a terror to the whole Commissariat gang of underlings and contractors. This martinet was appointed the first Municipal Controller. He adopted the Commissariat book-keeping. But it seemed that from the very first differences arose between the Municipal autocrat, for such was Mr. Arthur Crawford as invested with authority under the Municipal Act, and this independent financial officer. Forms of accounts took some months to be settled. Thereafter there continued differences between the master of the purse and the controller of that custodian. Impetuous, impatient, and uncontrollable, Mr. Crawford could not brook the iron grip of Major Thacker, who as a financial Rhadamanthus in every way vindicated the choice of the Government. The Commissioner, like the restive charger, was impatient of the curb of the Controller, who proved a veritable watchdog in municipal finance. It soon became known that all love between the two was lost. As far as book-keeping was concerned, the arbitration of Mr. Chapman, the then Accountant-General, had to be eventually invoked in order to definitely determine the system on which future Municipal accounts should be kept. That system has ever since been known in the Accounts Department of the Municipality as the Chapman system. And though many an improve-

ment has since been made therein, as suggested by experience, the fundamental lines are, we believe, still there. The gallant Major, who had stood fast by the City's finance had, however, to be requisitioned by Government for more arduous and responsible service in the Commissariat. Colonel Thacker retired with the credit of having ably controlled the first eighteen months of Municipal finance, and was succeeded by Mr. Maidment, a flexible Controller, whose inability to control the Commissioner's financial pranks eventually led to the wrecking of the first Municipal institution established by law in the Presidency capital.

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## CHAPTER XVII.

### TAXATION UNDER ACT II OF 1865.

THERE remains to be noticed the system of taxation introduced under the Municipal Act No. II of 1865. Broadly speaking, the sources from which taxes were raised by virtue of that legislation do not materially differ from those levied to-day. The principal difference is the absence of town duties. These were abolished under the Act. During the last half-year under which they were formerly levied the amount yielded was 5 lakhs. It seemed that at the time the Council was not in favour of any indirect taxation. Anyhow, neither the mover of the Bill nor any other member appears to have said a word on the omission of the town duties from the schedule of taxation, save one, Jugganath Sunkersett. That redoubtable legislator observed that he "saw no objection" to those duties. They had little effect upon the price of articles of consumption—an economic fallacy which is still entertained by a majority of the Corporation. Sir George Cotton was the principal advocate of that fallacy for a long time whenever the question of the abolition of grain duty was mooted at the meeting of that body. The fact amply shows how popular fallacies die hard. Considering the time when Mr. Sunkersett thought that indirect taxes do not affect the prices of articles and touch the pocket of the ultimate consumer, he might well be excused for want of knowledge of elementary economics which was then so little known in India. The honourable gentleman divided the Council on his amendment which contemplated the retention of the town

duties in the Municipal schedule of taxation. But he and the Honourable Mr. Ellis were the only supporters, the majority being in favour of abolition. But the whirligig of time eventually restored the duties. The condition to which Municipal finances was reduced by 1871 rendered it expedient to reimpose them in the Act of 1872. Since that year the duties have remained a permanent feature of our fiscal system.

But to proceed. The Justices were empowered to fix rates and taxes on the lines fixed as leviable under the Act from year to year. These were determined annually by the month of October at the latest; of course, there was a tax on carriages, horses, ponies and mules; a house rate of five per cent. on the annual letting value of properties in the city payable by house-owners in quarterly instalments; with power to the Justices by a resolution at a Special General Meeting to fix the rate higher but not exceeding ten per cent.; a lighting rate not exceeding two per cent. to be paid by the occupier, except when a house was let by the owner in apartments, in which case the owner was liable to the rate; a water rate as may be deemed necessary by the Commissioner with the consent of the Justices, but sufficient enough to cover all maintenance charges, and a license tax on profession, trades and callings. It will be thus seen that there was a license tax but which had to be abolished after a few years' experience as being unworkable and as falling more within the purview of the Provincial or Imperial rather than Local Government. In reference, however, to the house tax, it may be observed that all buildings owned by Government were exempted. Previous to the introduction of the Municipal Bill, it was customary for Government to pay a lump contribution of Rs. 13,000 per annum, but this was given as a matter

of grace. A good deal of discussion took place in the Council when it was urged that this contribution should cease. Sir William Mansfield "saw no reason for assessing Government buildings to a house rate simply because they were so assessed in Calcutta. It was obviously a mistake in principle to make Government buildings pay the assessment." The Hon'ble Mr. Cassels, who was in charge of the Bill, agreed with the Commander-in-Chief. In his opening address he had given a brief history of the contribution. Before 1845 Government buildings were liable to assessment. In 1846 the Justices claimed an increased assessment; but the Government Solicitor objected on the ground that as the buildings were used solely for the public service, they should be exempt like Government buildings in England. The opinion of the Supreme Court of Judicature was taken on the subject and that authority distinctly decided against the Justices that all property of the East India Company was exempt from assessment under the Statute 33 of George III and Act XI of 1845 of the Government of India. Eventually it was agreed that Rs. 13,000 should be given to the Municipality as a donation, without compromising the legal right of the Government to exemption. Mr. Cassels at the second reading of the Bill reiterated this argument. He observed that the principle contended for by Sir William Mansfield was asserted in the Bill—the principle which exempted the property of the Corporation of the Justices from taxation. The Bombay Government had never admitted their liability to be assessed as of right by the Municipality. After much discussion the exemption was agreed to. But when the Bill which eventually became Act of 1872 was being discussed in the Legislative Council this subject was again debated. Wiser counsel had pre-

vailed and a more equitable mode of adjustment was duly recognised. So the old principle on which Sir William Mansfield and Mr. Cassels had valiantly contended seven years before had to be brushed aside, and the liability of Government to pay rates, like any other house owner, in lieu of the several civic services performed by the Municipality, was duly recognised, with this difference, that the Government was to be considered as the most favoured tax payer, that is to say, it was to be treated on a somewhat different footing. The principle was further discussed when the present Act was passing through the local legislature, and it is a happy sign of advancing thought with regard to local taxation and the *meum* and *tuum* in local finances that a better understanding exists. Thus all differences were annihilated when the present Act came into force. The system of assessment of Government buildings has been put on a sound basis for purposes of levying property rates. A special officer is appointed by Government with the approval of the Corporation to value the property quinquennially and make his award which then becomes binding on the Corporation. And here we may end the parable of taxation so far as Act II of 1865 is concerned.

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## CHAPTER XVIII.

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### GENESIS OF ACT II OF 1865 AND THE FIRST SYSTEM OF ORGANISATION INSTITUTED BY MR. ARTHUR CRAWFORD.

WE have now succinctly given a history of the rise and growth of Municipal Government in the city, say from about the close of the eighteenth to the middle of the nineteenth century. In 1865, all the divers rules, regulations, and statutes under which the civic administration, of a most rudimentary character, was carried on for well-nigh a century were brushed aside, and the first Municipal constitution of charter, on the lines of English self-governing institutions, was introduced into the city. The broad fundamental principles on which it was based are still in active force, with slight modifications here and there. But it may be just as well at this stage to remind the reader of the principal incidents which led to the introduction of Act II of 1865 and the chief features which characterised it. Prior to 1st July, 1865, Municipal Government was managed by a Board of three commissioners under Act XIV of 1856 and Act XXV of 1858. Of these the one appointed by Government was a full-time officer, while the two selected by the Justices of the Peace were half time. The health conditions of the city were so notoriously insanitary that towards the close of 1863 the Government of Sir Bartle Frere commissioned

Dr. Leith to make a detailed report. He submitted it on 29th February, 1864. It was of so alarming a character that it became absolutely imperative to improve the sanitary condition of the city without further loss of time. A Government resolution was published on 2nd May, 1864, based on that report in which a comprehensive scheme of Municipal reform was sketched. The Bench of Justices were at the same time invited to give their opinion on it. After much discussion and correspondence, a draft Act, containing the lines on which Municipal administration should be carried on, was introduced into the Legislative Council by the Hon'ble Mr. Walter Cassels, partner in the firm of Messrs. Peel, Cassels and Company, and a redoubtable member of the Bombay Chamber of Commerce, who was most earnest in seeing that the reform was practically carried out. A Select Committee was appointed which made its report on 12th January, 1865, and the Bill was thereafter considered in Council, section by section, at many a sitting till it was passed, the sanction of the Viceroy, Sir John (afterwards Lord) Lawrence, having been obtained on 10th May, 1865. The Act came into operation on 1st July, 1865, which is still remembered in the city as Black July day in connection with the colossal collapse of the financial speculations of the day.

The principal features of the Act may be summarised as follows:—The then existing Justices of the Peace were created a body corporate, with perpetual succession, a common seal and the power to hold lands. (2) The Corporation was empowered to levy rates and taxes and borrow money on the security of such rates and taxes. (3) The entire executive power and responsibility for the purposes of practically carrying out the provisions of the Act were vested in one Commissioner who was appointed by

Government on a salary of Rs. 3,000 for a term of three years. (4) It was enjoined that the Commissioner should annually submit to the Justices a budget of income and expenditure for the following year, the Justices being empowered to revise it at their special general meeting to be called for the purpose. (5) Three principal officers, but all subject to the authority of the Commissioner, were appointed by Government, namely, a Controller of Municipal accounts, a Health Officer and an Engineer. (6) The town police, for the purposes of the Act, was also placed under the control of the Commissioner.

It may be now interesting to recount what Mr. Arthur Crawford, the Commissioner, did on assuming the charge of his office. In his annual report he observed that the establishments were ill-organised and inadequately equipped, and that their anthority was ill-adjusted. To him it was a wonder that under such a chaotic condition of affairs his predecessors, the Trumivirate under Act XIV of 1856, did not earlier come to a full stop in matters municipal. Accordingly, on 19th July Mr. Crawford submitted to the Bench a scheme, on the lines sketched out by Dr. Pelly, the late President of the Board of Commissioners, for the reorganisation of the Secretary's correspodence banch, of the Health department, and of the departments for the assessment of taxes and their collection. Next, the city was sub-divided into wards, having regard to the position, population and area, with separate ward establishments. At first Mr. Crawford had 11 divisions, but at the suggestion of the Justices one was reduced, Parel and Mahim being combined. We give below a table showing the population, area, and properties in each of the ten wards in which the city was then divided :—

| Ward. | | Population. | Area in acres. | Assessable properties. |
|---|---|---|---|---|
| 1. Colaba | .. | 19,161 | 238 | 518 |
| 2. Fort | .. | 49,582 | 699 | 1,221 |
| 3. Mandvi | .. | 1,57,996 | 211 | 3,239 |
| 4. Umerkhadi | .. | 1,23,279 | 153 | 2,062 |
| 5. Bhuleshwar | .. | 1,44,606 | 236 | 3,441 |
| 6. Kamatipura | .. | 1,28,214 | 748 | 2,573 |
| 7. Girgaum | .. | 56,866 | 302 | 1,938 |
| 8. Malabar Hill | .. | 19,238 | 1,104 | 546 |
| 9. Mazagon | .. | 31,246 | 531 | 866 |
| 10. Parel and Mahim | | 53,792 | 7,697 | 5,249 |
| Total | .. | 7,83,980 | 11,919 | 21,653 |

The above table will greatly assist those who may be curious to follow the rise and progress of the city since 1865, and compare the latest population with the number of properties assessable to municipal taxes. But we may state that at the end of March, 1912, the properties in the Island liable to assessment numbered 59,721. This gives an increase of 38,068 for a population now computed at 9,70,510. The increase is equal to 179 per cent. which is the index of the immense expansion Bombay has undergone since 1865. No doubt, we have reduced the number of wards to seven, but they are now more compact and convenient. The area of some of these has undoubtedly increased owing to the whole of the Eastern foreshore, from Ballard Pier to Frere Bunder and Sewri having been largely reclaimed. Practically the area so reclaimed and built upon is new Bombay. On the Western foreshore, the Back Bay reclamation also added to the previous area, say from the Colaba terminus of the B. B. & C. I. Railway to Mathew Road and to Chowpaty as far as the Seeree Road. The new accretion of land beyond the 11,919 acres

which Bombay measured forty-seven years ago equals 2513 acres. But we will pursue this subject of the city's expansion a little further. In the first place, what was once a big *maidan*, stretching from near the Wellington Fountain up to the Police Office, opposite the Arthur Crawford Markets, has been greatly built up and is still being vigorously built upon, much to the regret of those who would have liked to see that part of Hornby Road, from south to north, in the westerly direction, being left entirely open as a huge ventilating shaft as before to give fresh breeze to the inhabitants of the northern Fort. Next, Malabar Hill has been extensively built upon. Even the increase in the number of bungalows erected there during the last few years is phenomenal. Then we come to the Flats, a larger portion of which, too, has been built up, by cotton factories and chawls for their operatives and other working classes. Lastly comes Byculla, which was in 1865, the most fashionable and æsthetic suburb of Bombay, where lived Governors and Councillors, high officials and European merchant princes. This locality has also been fully occupied, mostly by mills and millhands. The distant Naigaon and Dadar, in the north easterly direction, and Worli and Mahim in the north-westerly direction have been crowded, too, with buildings large and small, pretentious and unpretentious. And now Matunga and Sion, the farthest limits of the city are being fast encroached upon to suit the ambitious operations of that Prodigal, the Improvement Trust.

In Byculla, Parel and Mahim, no doubt the boundaries are somewhat different now, but for purposes of comparison the altered boundaries will not make any material difference Similarly, with Mandvi and Bhuleshwar.

A comparative table of the area, population, &c. of 1865 and 1911 will be found in one of the appendices.

## CHAPTER XIX.

### INSANITATION BEFORE 1865 AND GREAT SANITARY REFORMS INSTITUTED THEREAFTER.

IN the last Chapter some interesting facts have been referred to in connection with the population of the city at the time the Municipal Act of 1865 was passed and the house accommodation that was to to be obtained. Some additional but equally interesting facts may here be noticed before we proceed with the next important stage in the history of Municipal Government in Bombay.

The Sanitary Department of the Municipality was then composed of a Surveyor's or Engineer's office, a market and slaughter department, the office of the Health Officer and street scavenging along with the Contractor-General. It will be thus seen what a rudimentary organisation was the so-called Sanitary Department prior to 1st July 1865. In reality the Contractor-General was the chief sanitary executive. On his choice and self-interest depended in a large measure whatever "blessing" by way of sanitation the citizen of Bombay enjoyed half a century ago. The Health Officer, being half-time could have hardly found leisure, even with his miserable subordinate staff of inspectors and others of the tribe to keep strict watch and ward over the sweeping and cleansing of the principal streets, let alone the lanes and by-lanes. Practically, the city was at the the contractor's mercy. As a result mortality from fever between January and June 1865 was very heavy. Against 6,438 deaths in the corresponding six months of 1864 there were as many as 12,284 deaths which was indeed appalling.

In the six months of 1863 these only came to 4,231. So that there were within three years 8,053 more deaths from this one disease during a half year. The side drains in the town were one fruitful source of this disease. The unclean condition of the drains and the next to no system of sewage drainage between them contributed not a little to the terrible holocast to which we have referred. So opined Dr. Hewlett. Mr. Crawford however went further. He had a strong belief that not a little of the fever in the native town "was due to the fact of its resting in many parts on a layer of decaying town sweepings," with which it seemed to be the practice to fill in any hollows and inequalities about the town and also to "the fact of the halalcores habitually discharging night-soil into the drains." Thus the next to no system of efficient scavenging and sewage claimed a large number of victims from fever. But the Municipal Councillors of to-day cannot but feel astonished that even after well nigh fifty years of discipline the halalcores should now and again be still found pouring night-soil into the drains! Well may they exclaim whether this may be taken as the final outcome of the labours of our sanitary department even after such a long period and an annual expenditure of many lakhs on halalcores and night-soil depots alone! It would seem that in this respect the Health Department is not much better to-day than it was in 1865 though meanwhile one-fourth of the houses have w. c. arrangemrnts.

But to proceed with the state of affairs in 1865. There was no separate Health Department till the Municipal Act of that year came into operation. But acting on the lines of the many improvements suggested in the report of Dr. Leith, Mr. Crawford and Dr. Hewlett organised an efficient working department. Firstly, they made arrange-

ments with the G. I. P. Railway Company to remove all garbage to Coorla—a system which after having been abandoned for years has been once more reverted to after infinite deliberation and many a new suggestion dictated by experience and the health conditions of the city. That was undoubtedly a step in the right direction which Dr. Hewlett took in 1865. But the scavenging contractor had still to be dealt with. He had concluded a contract six months before with the old Board of Conservancy for 3 years. How to get rid of him was the problem. They closely watched him to see that he fulfilled his contract. Very soon abundant evidence of neglect to perform it was ready to hand. So the contract, which was at the rate of about Rs. 20,000 per month, was cancelled. Scavenging was thereafter conducted departmentally. Mr. Crawford had to spend over 4 lakhs for the year on the new conservancy organisation, which included the construction of many bullack stables and *cuchra* sidings at Chinch Bunder. This cost was considered cheap enough being 8½ annas per head against nearly 11 annas in the Municipality of Calcutta which had then a population of only 4 lakhs. This economical rate was obtained in spite of the fact that in Calcutta bullocks cost Rs. 28 for feed per month against Rs. 42 in Bombay; and scavengers were paid Rs. 4 against Rs. 14 here.

Next, for the first time public urinals were constructed in parts of the town which most sadly wanted them. Again, owners of private properties which were in an insanitary condition were served with notices for improvement. In some cases they were called upon to fill up offensive swamps and pave and drain their gullies. Some of the landlords opposed sanitary improvements even when pressed by their own tenants and neighbours. These

recalcitrants had to be sharply dealt with. In reference to the sanitary improvements undertaken, the Executive Engineer's department was so woefully deficient in all the necessary equipments that it was hardly able to second the efforts of the Health Officer to clean the Augean stable of the town with its accumulated filth of half a century. Houses, again, had remained without whitewashing for years. That was another necessary work which had to be accomplished.

The condition of the markets was, Mr. Crawford observed, "certainly disgraceful to Bombay." Immediate measures were taken to improve those existing; temporary new markets were established where there was a crying want, and plans were devised for having a first class general market for the whole city—the same which has since blossomed into the Arthur Crawford Market, which is now the best in all India, and yielding a handsome net rental of over 6 per cent. on the total outlay to the Municipality.

It should be remembered here that all this civic reform was being actively inugurated and diligently carried out midst the direst monetary condition of Bombay, wrought by the collapse of the speculative mania of 1863-64, and the utter disorganisation of all credit. Bankruptcy was the order of the day—and such were the heavy insolvencies that the Government found the ordinary Courts unable to cope with them with anything like tolerable rapidity and efficiency. A special Insolvency Act, to operate only for two years, had to be passed for winding up bankrupt estates, with liabilities above five lakhs, by private trustees but under the Court's supervision. This was known as Act XXVIII of 1865. Hence, the financial difficulties which the new Municipality had to contend with

were of no ordinary character, especially when it is borne in mind that the old organisation which it superseded had left nearly 10 lakhs of liabilities to discharge, while needing all the necessary funds to carry on the numberless sanitary and other operations for the improvement of the city under the Act.

It seemed that in those days almost everything had to be done through contractors. Not only was there a contractor for scavenging; there was one for road repairs, and another for rolling and watering the roads. These contracts were all in the hands of one person who was evidently a monopolist and who took full advantage of the disorganised condition of the Municipality for years to do what he pleased. Though the contracts were very costly to the Municipality, owing to the high prices of all building and other materials, induced by the inflated finances of the city, the contractor was found to be extraordinarily remiss in carrying out his engagements. Mr. Crawford had no end of difficulties to book him and eventually to cancel all the contracts because of his failure. The contract for rolling and watering the roads was given at the "enormous" rate of Rs. 20,000 per month—verily, an extravagant rate at which the mouth of any Municipal contractor in the year of grace 1912 might water. But in spite of this heavy rate he failed. The metal on the roads was only half rolled. Sandstone was spread over it in thick layers so that when rain fell heavily, the streets, according to Mr. Crawford, were "a sea of mud, which pulverised when there was a long break, blinding the public with clouds of dust." Of course, the Municipality was a large loser owing to those improvident contracts which were imperfectly fulfilled. The Commissioner had no hesitation in informing the Justices in his annual report that they were

"defrauded by certain persons in the matter of road metal." However, with his indefatigable energy, the Commissioner, who was known to be almost ubiquitous, was able to achieve wonders after the monopolist contractor had been sent about his business. Most of the roads in the town were fully metalled to the immense convenience of the public. Mr. Crawford observed that the roads of Bombay had not had fair play for ten years, if not fifteen! Wonderful Municipal organisation that must have been in the early fifties and sixties which neglected this duty! But this was not the only complaint. The Gas Company, then a recent arrival in the city, was a frequent offender by way of neglecting to restore roads to their proper order after cutting them open for laying their mains. Mr. Crawford reported to the Worshipful Bench that he had frequently warned the manager but ineffectually, and that it only remained "to prosecute the Company in the Police Court."

It will, however, interest the reader to know that in face of many an initial difficulty, a large quantity of ground had been taken up for improving and widening streets. Upwards of nine acres of ground were so absorbed.

As to lighting it may be observed that prior to 1865 the town, so far as the public streets and thoroughfares were concerned, had remained more or less in a condition of visible darkness. Bombay was innocent of gas lighting. The only light she knew was the primitive *oil buttee* which shed its most indifferent light according to the interest of the contractor entrusted with the work. The older generation will tell us how it was unsafe to drive or walk after nine or ten in the evening on the Esplanade Road. People were often robbed and sometimes even murdered. This was the condition of *buttee* light in the public streets. As to lanes and bylanes there was nothing. Houseowners,

specially Parsis, used to have a lantern hung up in the *otla* or verandah of their houses, a practice still observed here and there. Gas was first lighted on 7th October, 1865, and the report has it that on that eventful evening there were just 133 lamps lighted. By the end of year the number increased to 220 !

The expanding wheel traffic and trade of the city demanded that all impediments of railway level crossings should be done away with. The hue and cry against the delay and inconvenience caused by these, especially at Nesbit Lane, at Chowpaty, Grant Road and Breach Candy was great. There were certain "awkward" overbridges so called at Byculla, Mazagon and Bellasis Road, which were considered as "monstrosities." The battle of the overbridges was, therefore, waged in the Durbar room of the Town Hall, where the meetings of the Worshipful Bench used to be held till the Municipality found room in its own building hired from Mr. A. H. Wadia, the same which, after undergoing transformation, has become the property of the Army and Navy Stores. There were Justices who favoured overbridges and others who favoured a high level railway. The last was the suggestion of Mr. Thomas Ormiston, the talented Engineer of the Original Elphinstone Land Company which was eventually absorbed by the Bombay Port Trust. The Goliaths of overbridges were triumphant. A committee was appointed to go into their cost. The three existing bridges, namely, at Carnac, Masjid and Elphinstone Bunders, owe their origin to the initiation of Mr. Crawford.

Extensive drainage works were also put into operation, and the question of the outfall had to be seriously considered. A mass of papers on the subject was published and submitted to the Justices. There were serious objec-

tions raised as to the safety of discharging the sewage into the Harbour at certain points. The Government directed further inquiry which eventually led Colonel DeLisle and Mr. Ormiston to suggest Colaba as the best site. But the Municipal Councillors of to-day know where the outfall is really situated, and how in spite of the best expert opinion the natural locality of the outfall was rejected, and Worli fixed upon. It will be thus seen how some of the large conservancy problems which vex the soul of the Corporation to-day have been before the public these last forty-eight years, and how, in spite of inquiries and reports by expert after expert, they remain still unsolved or partially solved. But the above bird's-eye view of the condition of Bombay in 1865 will, we dare say, give the reader a fair idea of what Municipal Government then was, and enable him to make a fair comparison with what is to be seen to-day. This chapter, however, in the history of our civic Government would be incomplete without our once more referring to the eminent services rendered by Mr. Crawford and Dr. Hewlett to the city. They laid the permanent foundation of that "beautiful Bombay" which was so much admired before the unhappy outbreak of the plague. For this the present generation of our citizens owe a deep debt of gratitude to these pioneer ædiles.

## CHAPTER XX.

### MR. ARTHUR CRAWFORD—HIS STRENUOUS ADMINISTRATION AND HIS FINANCIAL IMPROVIDENCE.

WE now refer to that stage in the early history of local self-government in the city which has been recorded by contemporary chroniclers as the most critical as it was also the most historical and emotional. Human nature, as Dr. Johnson has somewhere observed, in many of its aspects is lyrical. Those aspects were not a little to be discerned by the unimpassioned onlooker of the day in the agitation which for well-nigh twelve months had moved Bombay in 1870-71. The air was rife with all sorts of rumours of official defiance and official delinquency in the executive administration of the infant Municipality. Those rumours reached their climax when a special committee, appointed by the then Government of the day with Sir Seymour Fitzgerald, as Governor, made its report on the finances of the city, laid bare the excess expenditure in six years over the budgetted grants, and pointed out the deficit which would have to be met by the worshipful Bench of Justices. As stated in one of the previous Chapters when describing the constitution of the Municipality as established in 1865, the Municipal Commissioner was vested with full powers to discharge the divers executive functions for which he was made solely responsible under Act II of 1865. It would have argued woeful want of statesmanship on the part of Sir Bartle Frere and his colleagues in the Legislative Council, had they repeated

the previous mistake of vesting such executive functions in the hands of a large body, whether you called it a bench or a board. The most philosophic as well as the most practical advocates of Local self-Government in the West had pointed out the failures which had attended such government where individual responsibility was cast aside and divided among a set of irresponsible persons. In Bombay the need of a strong responsible Municipal Executive was deemed to be absolutely imperative, after the grossly insanitary condition of the city as described in the masterly reports of Drs. Leith and Haines—the same to which the Honourable Mr. Cassels had referred in his opening speech at the time of the introduction of the Bill. But the first Municipal Code was not a perfect piece of legislation. The system of the West, specially in matters sanitary, had to be engrafted on the primitive one of the East, with its entirely different methods of social and domestic economy. The task undertaken by the legislators of the day, albeit men of talents and vast administrative and business experience, was a most difficult one. And many a section taken from the Public Health Act and other Acts of England had to be reconciled and blended with the new legislative enterprise on which they had embarked.

### THE CRAWFORD REGIME.

Thus the Government of Sir Bartle Frere had no ordinary duty to discharge in connexion with the first Municipal Act of 1865. The measure was there; but who should be the man above all others to carry it out, so as to achieve with fair success within a few short years the object it had in view—namely, a progressive Municipal city with modern sanitary standards which would vastly improve popular health conditions. Luckily, in the ranks of the Civil Service, Sir Bartle had discerned a young mem-

ber of great physical energy, admirable administrative capacity, and great fertility of resources, who could undertake to work the Act, and place the muddled Municipal finances of the superseded Triumvirate—the same to which Mr. Cassels had pointedly referred—on an organized and sound footing, effect a complete transformation of the city, as far as dirt and filth went, and establish a fair condition of sanitation in the crowded districts, so as to bring down the death-rate from fever and cholera. Such a person was found in Mr. Arthur Crawford who may be fairly called our local Haussmann; for, in the interest of truth, it must be observed that no city *Ædile* did more to lay the foundations of new Bombay, and rear thereon a stately edifice than that distinguished civilian—an edifice which, of course, others coming after him, crowned, and achieved for the city the sobriquet not only of "beautiful" but the "first in India." A brief account of the substantial achievements performed by Mr. Crawford, conjointly with his ubiquitous and indefatigable lieutenant, Dr. Hewlett, in the transformation of Bombay has already been given. A sagacious and far-sighted official, Mr. Crawford had taken an unerring view of the future wants and requirements of expanding Bombay. No wonder that such a Commissioner, armed with full authority, entered on his arduous task with all the enthusiasm of a great civic reformer. And speaking from personal experience, after the lapse of well nigh forty years, the present writer can say without the fear of exaggeration or contradiction, that had Mr. Arthur Crawford remained at the helm of Municipal affairs for twice six years, he would have conferred still greater benefits on the town.

But that was not to be. A gifted man, and a man of resolution and the utmost promptitude, who often, like the

responsible general in the field, first did what was the right and proper thing to do at a critical moment, not only to save disaster but secure success, and afterwards took sanction of his superiors, Mr. Crawford, the more he was anxious to render good to the city, the more he took responsibilities on his head which, according to the constitution, demanded previous sanction from the Justices. He did so at all cost and at all hazard, but without counting his masters, the masters of the purse. And when some of the more inquisitive and public-spirited questioned him, in fact heckled and harried him, at the quarterly meetings, he would grow impatient and not easily submit to the curb that was sought to be put upon him. That was, indeed, a tactical error on the part of one who in other matters was, indeed, a great tactician. The error arose from impatience of criticism, and eventually proved fatal to his position as Municipal Commissioner. At first, there were only whispers as to the financial excesses over budget grants. Then the whispers rose to loud murmurs, till at last the murmurs began to find vent at the quarterly meetings. Simultaneously, a rigid manner in which the taxes were gathered—a method which was in pleasant contrast with the extremely lax, nay corrupt, way in which taxes were collected during the previous regime—had become the theme of denunciation of the newly constituted Municipality by the landlords who, being influential enough, set up a cry in the press. Thus, the feelings of the taxpayers were aroused. The promptitude with which distraint warrants were issued in large numbers alarmed the populace. They began contrasting the happy-go-lucky fashion in which matters municipal were previously managed with the rigidity with which they were carried out under the new Act. It is in human nature that the taxpayer should

consider the tax-gatherer as an unwelcome visitor. And when the last is stern of mood and unrelenting he no doubt becomes positively odious.

### CRITICISM OF HIS POLICY.

Thus it came to pass that while the way in which the Municipal tax-gatherer went about collecting his taxes brought odium on the chief, the headlong way in which he went about spending monies on objects of public utility, but sometimes without the sanction of the custodians of the city's finances, brought the fire of hostile criticism on his head in the Corporation of the Justices. Even as early as 1867 the Bench deemed it right to appoint a Finance Committee of its own to thoroughly investigate the whole domain of municipal finance in all the multiplicity of its details, with a view to sounding the bottom, namely, whether the revenue derived from the taxation, as prescribed under the Act, was sufficient to meet the large expenditure necessary for the efficient conservancy of the city. That Committee's report was not a pleasant document to peruse. For it disclosed a state of finance which made some of the municipal watchdogs in the Corporation apprehensive of the future. A variety of criticisms began to appear in the columns of the press, English and Vernacular. Exaggerated reports began to be circulated about the way in which large expenditure was incurred on public works. The interested and more designing even went about attributing corruption to the new regime. On the one hand there was a talk of finding out new sources of revenue to meet new and urgent requirements which practical experience suggested. On the other hand, there was a strong determination to have no additional taxation, the cry being insensately raised that it was extremely burden-

some and vexatious in more ways than one. Thus, the first seeds of adverse criticism, which eventually led to a powerful and influential agitation, were sown. It was at this juncture that writers in the press on local taxation were busy. There was a suggestion to restore the Town Duties which, in face of the Honourable Mr. Juggonath Sunkersett's support in the open Council in 1865, were abolished. There was again a talk of Municipal Certificate and other taxes. Mr. Martin Wood, the Editor of the *Times of India*, and a member of the Corporation of Justices, addressed a long letter to his colleagues, pointing out what should be done to meet the deficit of 8 lakhs which eventually swelled to 19. A staunch economist of broad views and an ardent advocate of the "Free breakfast-table" of John Bright and Richard Cobden, he deprecated all proposals for the re-imposition of the Town Duties. He observed in his letter that " it has been sought to arbitrarily fix the limit of the house tax, that impost which must ever form the largest item of the municipal income ; and in place of the abandoned revenue, it was attempted to revive discarded methods of taxation, which, however 'productive,' in the superficial sense of the term, are constantly liable to abuse, and open to the objection that they fall in unequal proportion on the poorer classes and on persons who are not represented in the Corporation." Other issues were also raised and hotly discussed. For instance, in connexion with the means to be adopted for meeting the deficit, it was argued, whether the rates levied brought into the municipal coffers all that they ought. Then, again, it was alleged that the raising of revenue by the collection of rates was irremediably bad. Mr. Wood observed that "the vocabulary of denunciation has been exhausted in characterising the present method of obtaining the municipal

income as one of the most iniquitous things the sun looks down upon either in torrid or temperate zones."

THE OPPOSITION.

It will be seen from the above extracts which way the wind of deficit discovered by the Finance Committee was blowing in 1868. Mr. Wood's letter is a most valuable and historical one, in so far, that it ably and judiciously focusses the real financial points which were then at issue in the Corporation and warmly discussed—a Corporation which was proud of merchants like Hamilton Maxwell and James Alexander Forbes; of economists and publicists like Robert Knight and Martin Wood, John Connon and James Maclean, not to mention James Taylor, the redoubtable Secretary of the Bombay Chamber of Commerce; scientific experts of the calibre of Captain Henry, whose bust adorns the gilded Chamber of the Corporation to-day, and Colonel Hancock; of great lawyers like the Honourable Mr. White and Mr. (now Sir Andrew) Scoble. Then, again, there were Mr. Naoroji Furdoonji and Mr. Vishwanath Narayan Mandlik and Mr. Sorabji Shapurji Bengalee—Davids fighting on behalf of the rate-payers, with the Goliaths of the landlord interests in the persons of Mr. (afterwards Sir) Mangaldas Nathoobhoy and Mr. Byramji Jeejeebhoy. The letter of Mr. Wood is an historical one, and may still be read with profit by students in high practical economics and municipal finance, as well as that of Mr. (now Sir) P. M. Mehta, read before the Bombay Branch of the East India Association in 1871, with its further historical survey and the practical proposals detailed therein which were eventually adopted in the new Act of 1872. So warm was the discussion in 1868 that there were not wanting members of the Corporation who airily and superficially talked of the water rate as a "confiscation," as some do

even now. It was denounced as a "wholesale system of confiscation." Mr. Wood called it "one of the most extraordinary devices that has been resorted to in order to obtain temporary evidence for the fiction—that 'all the burdens of the place have been fastened upon a few thousand shoulders.'

THE SOBER AND THOUGHTFUL WING.

It will be seen from the above facts how strongly was the Corporation of 1868 alarmed at the temporary deficit in expenditure, alleged to have been all wrought by the improvidence and extravagance of Mr. Arthur Crawford. But the more sober and thoughtful were for taking a calm and unimpassioned view of the whole situation without in any way attempting to justify some of the unconstitutional vagaries of the Commissioner. Hence, nothing could be more admirable than the concluding words of Mr. Wood. Those were, indeed, words of wisdom and sagacity, but unfortunately lost on an excited populace which, chafing under the new system of Municipal Government, really cried out for its destruction after the manner of the Roman general to level Carthage to the ground. The crisis, however, had not reached its climax which was to come later on; but the materials were being fast gathered to heap a pile which was finally to be exploded. The words, however, of Mr. Martin Wood might be here repeated, for they embodied a truth which, in the heat of party passion and party strife, was wholly forgotten.

"The steady, harmonious development of Municipal Government; the complete working out of sanitary principles; the bringing of plentiful supplies of pure air, light, and water into the midst of our crowded urban population, are all objects for which our leading citizens will, I feel sure, be ready to make many efforts, and, if needful, to endure some sacrifices. Perplexing as the present position

of affairs may seem, the sentiment of the civic pride, and still more, the promptings of human thoughtfulness will avail with the Justices, to prevent the Corporation from falling back on an indolent and unequitable civic policy."

We have already pointed out how the storm was brewing in 1868. All sorts of exaggerated rumours were floated to the effect that (1) the Municipal establishments were maintained on an extravagant scale of pay; (2) that the amount of outstandings was well nigh 25 lakhs; and (3) that considerable defalcations had occurred in the Collection Department. As if those allegations were not enough, the landlord interest was to the fore clamouring against the large number of distraint warrants which had to be necessarily issued to bring to book a class of rate-payers who contumaciously refused to pay their dues.

As to the general impression touching establishments, a select Committee of the Bench, specially appointed for the purpose, after a close and lengthened investigation, reported that substantially there was no foundation for the outside reports. They, however, recommended a few comparatively insignificant charges and reductions, and one or two increases. All these recommendations were afterwards considered with reference to the budget for 1869 and approved by the Justices. At the same time, the Finance Committee advised the separation of the assessment from the collection department.

Next, with regard to the extraordinary and utterly unfounded statement about outstandings to the extent of 25 lakhs. It was undoubtedly true that large arrears had to be collected; but the reason of the arrears was principally owing to the lax regime of the previous administration and to the refusal of many a rate-payer to discharge his obligation. From the proceedings of the Finance Com-

mittee it appeared that the estimated income from all sources for the year was Rs. 21,84,280 after the amount actually realised had been deducted. In the words of Mr. Crawford, "this was erroneously supposed by the public to be *then overdue*, whereas it included the estimate of income for the half year only just beginning, or one-half the year's revenue. Many people added to this the outstanding for former years, Rs. 3,78,586, and then arose the cry that there were 25½ lakhs of arrears! Whereas the actual amount overdue, or in arrears, was only about 11 lakhs.' Such was the arithmetic of the populace who, somehow irritated by the way in which the army of tax-gatherers was let loose on them, were not slow to fly any flimsy balloon that came handy to them, if only to damage the chief executive, the head and front of their wrath. But even these 11 lakhs were recovered to a large extent by the employment of extra agency for collection which the Finance Committee had sanctioned. We make reference to these facts in order to point out how many were the misstatements thus circulated among an ignorant and excited public; and how faggots were being collected to raise a pile on which to burn the Municipal Commissioner alive.

That the populace was angry will no doubt be seen from the following facts regarding notices and warrants for payment of arrears:—

| | Issued in 1868. | | |
|---|---|---|---|
| | Notices | Warrants. | |
| | 3,653 | 653 | For House Rate. |
| | 8,840 | 3,627 | For police, lighting and halalcore rates. |
| | 1,602 | 297 | For water rate. |
| | 451 | 195 | For wheel tax. |
| Total.. | 14,556 | 4,794 | |

It should be recalled here that while at the commencement of 1869, the arrears were 11 lakhs for rates, those estimated as irrecoverable were only 32,642 rupees.

Coming to the third allegation, as to defalcations, it may be observed that these had chiefly occurred in what was then called the Tent Establishment. Every cold weather a tent was pitched on the maidan, somewhere near the corner of the Gaiety Theatre, where licenses were issued for hired vehicles. There were many lengthy discussions on the subject in which the late Mr. Naoroji Furdoonji took the most active part. The suspected parties were one Yeshwantrao Ballwant and Temoolji, the cashier. At the instance of the Bench proceedings were instituted against these two persons, though the municipal lawyers as well as the Finance Committee which originally investigated the matter were both of opinion that there was no criminal charge against them. Throughout Mr. MacCulloch, a most able and eloquent counsel, the like of whom the bar has not since seen, acted as counsel for the Justices. There were many hearings and many adjournments. Eventually the case had to be withdrawn as Mr. MacCulloch found it impossible to prove the charge. But curiously enough, so inflamed was the popular mind against the Commissioner that the story was widely circulated that under pretext of the illness of Mr. Maidment, the Controller, the prosecutor was allowed to withdraw the case. We all know, however, that once when an impression, however unfounded, takes hold of the public, it is hard to remove it in spite of the most conclusive evidence.

The official year 1869-70 was a quiescent one; but the sensational events of the previous year had diminished public confidence in the administration of the Municipality. Some of the most active spirits in the Bench of Justices

had become the closest scrutineers of municipal finance in all its branches and were constantly interpellating the Executive. As a result as many as six different special committees had been appointed to investigate and report on various matters. It may be just as well to acquaint the reader with the objects of these committees :—

1. To consider the constitution of the Corporation and the position of the Executive. The one man's rule was growing odious and the Justices in certain matters found themselves powerless to control the Municipal autocrat or dictator.

2. To reorganise the entire system of keeping Municipal accounts. The Committee did most useful work and made many valuable suggestions which were all adopted.

3. To consider *de novo* the whole fiscal system of the Municipality. There was a constant war outside between the landlords and the occupiers or tenants as to the ultimate liability for payment of the halaloore, water, police, and lighting rates. The expediency of the reimposition of the town duties was also one of the subjects of reference.

4. To consider the liability of Government to pay taxes on its buildings and property, and the legal liability of the Municipality towards the payment of the Vehar water-works which were constructed by Government. The original cost was estimated at 25 lakhs, but the final figure swelled to 38 lakhs. The Municipality demurred to share in the excess beyond the original estimate.

5. To take an inventory of all Municipal property in the city.

6. To reconsider the sanitary clauses under Act II of 1865.

It may also be observed here that for the first time the Legislature was applied to by the Municipality for

powers to contribute to primary education in the city—powers which were enlarged, after considerable wrangling, in the present Municipal Act. The appointment, however, of some of the Committees referred to, was the prelude to the storm that was soon to overtake the Commissioner. In the next Chapter will be narrated the story of the actual hurricane which eventually swept away the organisation of the Bench of Justices as a Municipal Corporation, and made way for a new body on which for the first time the rate-paying interest was enfranchised to sit, and the principle of taxation and representation by Government was recognised and conceded.

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# CHAPTER XXI.

MONSTER PORULAR AGITATION AGAINST THE CONSTITUTION AND MUNICIPAL EXTRAVAGANCE.

WE have pointed out how the citizens of Bombay were greatly exercised by and even indignant at, the way in which distress warrants, to recover arrears of taxes were issued by thousands. The obloquy of that particular procedure was thrown by the ignorant populace on the Commissioner, when, as a matter of fact, he was simply carrying out one of the ill-advised provisions of the Municipal Act of 1865 in reference to taxation. An entirely new set of taxes was imposed for the first time as stated in a previous chapter. The incidence of taxation to the, extent of 10 per cent. out of 18, was shifted from the houseowner to the occupier. The system was introduced without the least inquiry as to whether occupiers' taxes, namely, halalcore cess, water, police and. lighting rates, could be levied in a City like Bombay with its chawl population in thousands. It was the greatest fiscal mistake of the kind that was ever made. It really came to this in practice, that while the bills ought not to have been more than 15,000, they really swelled to ten times that number. Something like 84,000 half-yearly bills had to be made out for house and police rates and about 56,000 quarterly bills for water rate aud wheel tax !. The system was undoubtedly the cause not only of infinite expenditure of labour and money but of great oppression. But Mr. Crawford was certainly not responsible for the state of matters which

was prevalent owing to this faulty fiscal system. He was as much a loud complainant of it as the most clamant Justice who represented the voice of the poor occupiers, in the Corporation.

Then to this indignant cry was joined the cry of the houseowner who talked of his ten per cent. tax as "grinding." He found it opportune to make common cause with the occupier, though in his case he was fully able to bear the tax, which was certainly not unreasonable. The outcome of all the cry in 1867 and 1868 was the introduction of a bill in the Legislative Council to amend the Act. The Government went so far as to take evidence before the Select Committee as regards the real financial position of the Municipality. That evidence was of so unfavourable a character that the Finance Committee as well as all the members of the Bench determined to prevent a recurrence of the unsatisfactory state of affairs. It was agreed on the motion of Mr. Currey, then agent of the B. B. & C. I. Railway, at one of the Bench meetings, to request Government to alter the Act so that all matters on which changes were deemed highly expedient might be seriously attended to. The step the Justices took was to ask Government to appoint a commission "to inquire into and report upon the system and administration of the Municipality and upon the changes which are necessary in the constitution of the Municipality and the Municipal Act." This motion for a time brought a subsidence of the agitation. Things went on smoothly afterwards; and even popular interest seemed to have considerably waned. It was only a temporary calm before the storm. But the Government unfortunately mistook this lull and thought that it need take no more legislative action. The Bench had come to the conclusion that the Municipal Commissioner needed strong

financial control, and that the Controller was feeble and unable to control him. Hence the Government shelved the suggestion of the Justices by informing them that "before considering the advisability of altering the existing arrangements" they would "await the expression of an opinion from H. M's. Justices as to whether they themselves cannot, under the powers they already possess, secure a more complete control than that which appears to have been hitherto exercised." This was unfortunate. The Government, anxious to save their own nominee from the allegations brought against him, turned the latter against the Justices by saying they had not fully exercised the powers they had and that they would do well to do so instead of seeking legislative aid! The reply was unhappy and in a way unjust to the Bench. It created a great deal of hostile criticism which was well echoed in the press. The *Times of India* criticised the Government in a scathing leader, part of which we quote, to show, if anything, the spirit of independence, in which Municipal affairs in those days and the relations of the Government towards the Municipality were criticised: "After receiving this letter, the Bench would be fully justified in declining all further public activity in Municipal affairs. No such plea, however, would be warrant for silence or slackness on our part, and we shall take any and every opportunity that may arise to expose the glaring defects of a system which, by the confession of its admirers, has brought us into great want, great debt, and great embarrassment, and, as we have repeatedly pointed out, one which affords no sort of guarantee that these expensive luxuries will not go on increasing year by year, until the lucky hour arrives when we shall have a Government in Bombay." However, though the Government directly refused to accede to the

fair request of the Bench, it took indirect means which resulted in the appointment of half a dozen different committeesfrom among the Justices, the same to which reference has already been made. Meanwhile more facts as to extravagant expenditure on establishments, on the undesirability of an expensive Municipal workshop,—the theme of many a tirade since those days—on the white elephant of a brick establishment at Panwel to manufacture bricks departmentally for the drainage system, and other topics were being continuously discussed in and out of the press. There was also the alleged irregularity of the Commissioner in not bringing to the notice of the Bench large contracts for public works. Furthermore, Mr. Crawford, without the knowledge of the Justices, entered into an improvident lease with the late Mr. A. H. Wadia for renting his building (the old Municipal Office which, as altered, is now owned and occupied by the Army and Navy Stores) for ten years at a monthly rental of Rs. 2,825. This was the last straw which broke the camel's back. The rate-payers were aghast at it! Their indignation knew no bounds. Eventually, a Ratepayers' Association, under influential auspices, came into existence; and on 9th November, 1870, a monster memorial was sent up to the Bench, bearing 2,000 signatures, amidst much popular enthusiasm and demonstration. The memorialists complained of oppressive taxation, of the intense dissatisfaction of the people at the army of bailiffs let loose on them with thousands of distress warrants, of the extravagant expenditure on establishment and public works and all the rest of the iniquities of the Municipal Commissioner who defied everybody, including the Bench, and who could not be financially controlled by the officer appointed for the purpose. The Bench, of course, replied that it was powerless in the matter, whereupon, the rate-

payers sent a second petition urging on the Justices not to allow their grievances to escape their attention, but make a final effort to relieve them from the many evils inflicted on them under the operation of the Act. Even to that earnest prayer the Justices had no reply to give. They repeated their inability to do so. At last they were emboldened to submit a petition to the Government itself. Meanwhile, the more ardent and public-spirited among the Bench of Justices, headed by the late Mr. James Alexander Forbes, of the eminent house of Messrs. Forbes and Co., and a host of the most eminent European and Indian Justices, brought forward a motion to have the constitution of the Municipality altered and placed on a sound footing. The meeting was a special one called for discussing Mr. Forbes' motion. It was fixed for 30th June 1871 under the Presidency of Mr. (now Sir Andrew) Scoble, who was the Advocate-General of the day. It was a memorable meeting, which was adjourned four times before it finished its work on 7th July midst the thundering applause of the surging populace which had met outside the Town Hall to bless the reformers and force the hands of the Government in the matter of local self-government in the city.

## CHAPTER XXII.

### THE GREAT REFORM MEETING IN THE CORPORATION AND INDICTMENT OF MR. CRAWFORD.

IN the Municipal history of Bombay no day is more memorable, indeed, and none more likely to be remembered with feelings of pride and satisfaction for many a long year yet to come, than the 30th June, 1871. It was on that day that the leading and most public spirited of her citizens, European and Indian, commenced a constitutional struggle, courageous but bloodless, which eventually emancipated the city from the chains of legalised fiscal oppression and an improvident ædileship, otherwise beneficent, and secured for the people at large that civic freedom which, slowly broadening from precedent to precedent, has made our Municipality to-day the model that it is, despite very many imperfections, in the whole of the Indian Empire. But that freedom was not won without an arduous campaign and without considerable generalship. It was also won because of the justice and reasonableness of the popular demand for self-government, with the minimum of official control.

Events had so conspired, and Municipal finance had been such a terrible target of enlightened criticism in and out of the Press, that it was inevitable that the day of reckoning should come. The popular outcry and indignation against Mr. Crawford's financial mismanagement had reached to a pitch when it could be no longer ignored by the Justices. Already, the worshipful Bench was divided into two parties, the one which endeavoured to wink at

some of his financial lapses and unconstitutional procedure and the other which attempted uncompromisingly to make the most of those grave administrative errors and bring about his downfall. The last were honestly of conviction that to tolerate any longer Mr. Crawford as the Municipal dictator was to endanger the civic government and plunge it into an inextricable condition of financial embarrassment. The true remedy, they thought, for such a state of affairs was to alter the constitution. It was deemed futile to control the Commissioner, though the Government observed that the remedy really lay in their own hands. Those who were not in the fray but took an unbiassed view of the situation—it was, of course, a glorious minority—were of opinion that it was impossible, so long as there was an unwieldy body like the Bench of Justices, to enforce the provisions, within the four corners of the Municipal Act, for the proper control of the Commissioner. But in the Bench the opposition was in such a condition of excitement that it blamed the constitution itself for the pass to which the Municipality was brought, entirely ignoring its own impotence to put effectively into force the powers for checking and controlling the Commissioner. It took no heed of its own powerlessness. It was so occupied in the heat of the excitement caused by the controversy, with the many alleged imperfections of the Act, that it was blind to its own failure in the matter. The faculty of self-introspection was entirely benumbed. There was no calm and unimpassioned endeavour on the part of its prominent members to examine their own action and discover how far they themselves had missed doing aught in time to arrest the mischief which they so warmly denounced. But after all they were human, and none can blame them for this want of self-analysis of their own conduct and action.

The opposition, again, was a majority. It counted on its own inherent strength to carry those proposals of reform on which it had set its heart. We shall show, as we proceed further, how these were based entirely on an erroneous conception of what true local self-government ought to be. It had even then but faint notions of a broad representative popular element which was necessary for the purpose. It aimed at a very narrow reform, the principle of which was financial control of a somewhat better character. The broader lines, and the most satisfactory, on which the reform should proceed, were never thought of; or, if thought of, were never formulated in the way they ought to have been. At this time of the day, looking back over the years that have elapsed since 1871, it really seems astonishing that the leaders of reform, European and Indian, ignored what men like John Stuart Mill and others had said and written so well on the true principles on which alone the management of the local affairs of a people by the people themselves could be carried out with fair success. Perhaps, they thought that Bombay was not ripe for even rudimentary representative civic government. Perhaps, they considered that the demand for such a government might wreck the modicum of moderate reform they were agitating for. Or it may be that they thought the Government, with its extremely conservative instincts, might consider such a step revolutionary and get hysterical over it. Be the cause what it may, it is a fact that none of those who took the most prominent part in the agitation for the reform of the Municipal constitution, submitted a proposal the basal principle of which was the independent government of the affairs of the city by the rate-payers. Only one of the Justices suggested it; but he was then crying in the wilderness, though he had the proud satisfaction of know-

ing, when the reform was actually introduced, that it was on the broad lines of his original proposal that it was carried out, after much needless criticism of an impassioned and thoughtless character. That person was indeed young in age; but still, coming as he did fresh from the free atmosphere of England, he had the courage and the sagacity to submit it to his fellow-justices. He was no other than Mr. (now Sir) P. M. Mehta, then still unknown to local fame but possessing in him all the germs which have culminated in that enviable eminent position which he deservedly enjoys to-day as the leader of the Bombay Municipal Corporation and the leading man of the city.

But to proceed with the history of the reform agitation. Mr. J. A. Forbes, of the eminent house of Messrs. Forbes and Co., a most influential and public-spirited citizen, placed himself at the head of the party of reform, among whom were the following well-known citizens:—

Mr. James Maclean, Editor of the *Bombay Gazette*, Mr. Martin Wood, Editor of the *Times of India*, Captain G. F. Henry, Agent, P. and O. S. N. Co., Mr. Currey, Agent, B. B. and C. I. Railway Co., Mr. Percy Leith, of Messrs. Forbes and Co., Mr. Hamilton Maxwell of Messrs. W. Nicol and Co., Mr. A. C. Gumpert of Messrs. Huschke and Co., Mr. F. Matthew, Engineer, B. B. and C. I. Railway Co., Mr. James Taylor, Secretary, Chamber of Commerce, Mr. John Connon, Chief Presidency Magistrate, Commander G. Robinson, Chief Naval officer, Captain H. Morland, Mr. G. F. Rimington, of Messrs. Rimington, Hore and Langley, Mr. F. S. Hore, of Messrs. Rimington, Hore and Langley, Dr. T. Blaney, Mr. Mathias Mull, Proprietor, *Times of India*, Major Payne Barras, Railway Magistrate, Captain W. P. Walshe, and many others.

The leading Indian Justices who supported Mr Forbes were :—

Sir Jamsetji Jeejeebhoy, Bart. (the second), Mr. Sorabji Jamsetjee Jeejeebhoy, Mr. Nowroji Furdonji, Mr. Sorabji Shapurji Bengalee, Mr. Vishwanath Narayan Mandlik, Mr. Budrudin Tyabji, Mr. P. M. Mehta, Mr. M. G. Ranade, Mr. Vurjeevandas Madhevdas, Dr. Atmaram Pandoorang, Mr. Hormusjee Dadabhoy, Mr. Cursetji Furdonji, Mr. Kandas Mancharam, Mr. Nana Moraba and others.

On the opposite side were arranged a few, chief among whom were :—

Colonel Hancock, Consulting Engineer for Railways; Mr. J. P. Green, Barrister (and afterwards a Judge); Mr. R. Knight, Editor, *Star of India*; Mr. T. Ormiston, Chief Engineer, Elphinstone Land Co., Mr. Dosabhoy Framji, Mr. Narayan Wasudev, Mr. V. J. Sunkersett and others.

At the instance of Mr. J. A. Forbes and his supporters, a special meeting of the Worshipful Bench of Justices was called in the Durbar-room of the Town Hall, on 30th June, 1871, under the Presidency of Mr. (now Sir Andrew) Scoble, who was the Advocate-General of the day. The substance of Mr. Forbes' resolution was, that for purposes of better check and control of Municipal finance, there should be appointed twenty-four Justices of the Peace, as a maximum. These would form the Town Council, the entire responsibility of the executive power of the Municipality should be vested in these chosen twenty-four, or sixteen as a minimum, of whom 12 should invariably be in the city to form a quorum. But Mr. Forbes would not have all the twenty-four, or sixteen, whichever number was fixed, from among the Justices. Four of the Town Councillors were to be elected by the house-holders

as a "desirable experiment." This was the substance of Mr. Forbes' reform which the special meeting of the Justices were called upon to consider. Of course, popular interest had been so greatly excited that the Durbar-room was crowded almost to suffocation and many a spectator had to content himself with standing in the corridors, and on the two spacious flights of steps which lead to the room. The audience was most enthusiastic and was constantly surging forward to get a chance of standing room. When Mr. Forbes had concluded his long speech, Captain Henry (agent of the P. and O. Co.), appealed to the chairman to move out to the larger hall as the Durbar room "was almost unbearable" to stay in for any further length of time. However, it would have been inconvenient in the midst of the proceedings for the meeting to transfer itself to the hall. But all the three sittings which took place subsequently were held there. Mr. Forbes' speech was long but entirely free from personalities. A perfect gentleman as he was, one who thoroughly understood the amenities of public meetings as well as the gravity of the occasion, he never allowed a single word to pass from his lips which could be even remotely construed into a personal observation. He thus set a most excellent example to those who followed him. Moreover, Mr. Forbes, as alleged by his supporters, had made out a complete case in support of his motion. His speech was replete with facts and arguments, so that there was not the slightest need to indulge in any personal observations. He was no practised speaker; but all the same he was a business man, and as such he proceeded with his remarks in a business-like way. The audience was most enthusiastic, while he was the popular hero of the day, held in the highest esteem and regard by all classes of the community as the very personification of

an honourable English merchant and gentleman and a valiant local Hampden besides. By the hearty and frequent applause with which he was greeted, whenever he made a "palpable hit," the audience, in spite of the warning of the Chairman to refrain from effusive demonstration, seemed to express their unqualified concurrence in what fell from him. They showed how severely they felt the oppressive municipal taxation and how cordially they disapproved of the extravagant expenditure to which Mr. Forbes referred. It was a memorable sitting which in point of interest has not been known to have been hitherto surpassed—such was the popular excitement, and such the quality of the speeches which were delivered thereat and such the eminent position of the principal speakers on whom the public had the utmost confidence.

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## CHAPTER XXIII.

### MUNICIPAL REFORM MEETINGS—MR. FORBES' INDICTMENT OF MR. CRAWFORD.

WE may now formulate the Resolution of Mr. Forbes which was divided into three parts. The first of these was that for the purposes of the Act, the entire executive power and responsibility be vested in a Town Council of sixteen members six to be nominated and appointed by Government, six by a majority of the votes of the Bench of Justices, and four to be specially elected by householders (or occupiers) who pay not less than Rs. 25 per month rental. The Council, so formed, to be provided with a Secretary who shall receive such allowances out of the Municipal Funds as shall from time to time be fixed by that body, provided the salary shall not exceed Rupees 1,500 per month. Secondly, that the powers vested in the Municipal Act of 1865 to the Commissioner shall be vested in the Town Council. Practically, it was proposed that the Town Council should supersede the Municipal Commissioner. That body was to undertake all executive functions with a secretary! It signified that the executive responsibility should be divided among sixteen people instead of being centred in a single individual. How that might have worked in practice need not be said. In reality, the work would have been discharged by the secretary under the direction of the Town Council, but without any responsibility whatever. These proposals argued a lamentable want of sagacity and practical wisdom. And it is indeed strange how such practical men of business as Mr. Forbes

and his colleagues could have seriously proposed so ill-digested a scheme of reform.

But to proceed. The third part of the Resolution referred to the vesting in the Town Council the appointment of all subordinate officers up to a maximum salary of Rupees 500 per month, and that of officers above that amount was to be subject to the sanction of the Bench. It was also proposed that the appointment of Controller of Accounts, Health Officer and Executive Engineer should rest solely with the Town Council, and not with Government, but subject to the approval of the Bench. There was, however, this proviso, namely, that the appointments should be made if found necessary! This condition was, no doubt, the outcome of the economic spirit of the reformers. The spirit may be praised but not the wisdom that suggested it. For even the experience of the first six years of municipal administration might have informed them that it was absolulety impossible that the financial and sanitary work of the city could be discharged efficiently without these directing agencies. The fact shows how immature and impractical was this proposal.

In moving the Resolution Mr. Forbes delivered a long speech which was heard by the Justices assembled and the audience in the Durbar room with the greatest attention, more on account of the serious character of the bill of indictment against the Commissioner than for the oratory of the mover which, of course, was of a homely character. Municipal eloquence was then in its infancy, though, even in those early days of local self-government there were not wanting "twaddlers," to use the expressive phrase of Mr. Knight. That member had the greatest contempt for speakers who spoke either for speaking's sake or were inordinately exuberant in their verbosity.

But it must be said to the credit of Mr. Forbes that he studiously avoided personalities and refrained from indulging in unparliamentary language or vituperative adjectives. The tone and temper of the speech were all that could be desired in a dignified and deliberative assembly. He began by saying, with extreme modesty, that, looking at the important nature of the Resolution, which would have "a very powerful result for good on the welfare of the inhabitants" of Bombay, he sincerely wished it might have been recommended to the meeting by "some one more able." However, it was not without "great assurance of support" that he moved the Resolution. That support convinced him "that public opinion has been roused on this question, and that whether one may to-day be in our favour or go against us, the subject which we have to discuss will not be allowed to drop, and that public opinion will insist upon being heard and upon having redress for what I consider in Bombay to be a great grievance and a great burden." There is not the slightest doubt as to the correctness of Mr. Forbes's statement that public opinion, as we have already observed, was thoroughly aroused by what was alleged to be a great fiscal oppression of the municipality, and the grievances which a large body of the Bench, in whom were vested the municipal affairs of the city, had against their Municipal Commissioner, who had ridden rough-shod over many a constitutional provision of the Municipal Act, and laughed at the impotence of his corporate masters. Mr. Forbes was terribly in earnest on this point, and he made it even more clear immediately by stating that the Bench was "entirely without power to check the evils, or to control in any way the Municipal Executive." He dilated at length on the fiscal burdens which he alleged were extremely onerous. They fell

heavily on the rich and the poor alike. The landlord complained that his income from rent was excised to the extent of 20 per cent. He described the variety of taxes then imposed on the house owner—that " poor " entity (?) which has never ceased grumbling from the days of Mr. Crawford to those of Mr. Ollivant, and from the days of Mr. Ollivant to those of Mr. Harvey. The species which was then so clamorous is no less clamorous to day. If it has not to grumble about one matter, then it has to grumble about another. But the grumbling is eternal. It will last so long as Government, whether local or Imperial, exists, and levies taxation which touches its pocket. Mr. Forbes recounted the taxes which were alleged to fall heavily on the owner of houses in the city in the year of grace 1871. There was 6 per cent. of the house rate, 2 per cent. of police rate, 2 per cent. of lighting rate, and 3 per cent. halalcore rate. Then there was 5 per cent. of the water rate. Those taxes made up 18 per cent.; but the income tax was then levied, first, at 3 ½ per cent. and afterwards at 1 per cent. It was intensely odious in those days and all through the country it was most bitterly resented. Merchants, of course, disliked it the most. So in his vexation Mr. Forbes somewhat forgetfully added this imperial tax to the local rates. However, there was the burden of 18 per cent. Mr. Forbes argued, though most inconclusively, from a few cases of the insolvency of landlords, that most of them were driven to great straits owing to this heavy taxation. He adduced in support of his statement the fact that 600 insolvencies were then registered in the Court. A little search would have informed him that the bulk of these had absolutely nothing to do with municipal taxation. He was on surer ground when he related the hardship on the occupiers and the

army of bailiffs let loose on them with distress warrants—facts to which we have already amply referred—and alluded in support of his statement to the memorial of 2,000 of the ratepayers submitted to the worshipful Bench. Next, Mr. Forbes had a grievance as to the Town Duty, specially the one levied on food grains. "The Town Duties," he observed, "are acknowledged to be wrong in principle and to be doing great harm by all who know anything of the subject, and I should hope that we should soon be in a position to abolish them." But these duties have stood the test of time, albeit duties on food grains are still very properly contended for by some close students of ecconomics in the Corporation to be wrong in principle. Town duties on articles of luxury are a legitimate source of local revenue. But they are certainly wrong who would tax the working man's food and firewood. Such indirect taxation, in which every intermediary who deals in such articles makes a profit at the expense of the ultimate consumer, is really most burdensome. The burden, however, is *unperceived*, and it is owing to that fact that there are short-sighted Councillors who even to-day think lightly of taxation on articles of the poor man's daily subsistence and advocate their retention. But this is somewhat of a digression. Mr. Forbes in 1871 hoped the Town Duties would soon be abolished. We are now at the commencement of a new century. Forty years and more have rolled by since that hope was fervently expressed, but the exigencies of Municipal finance are such everywhere that citizens may propose their abolition, but it is the Municipal gods who dispose of the tax. And so far the disposition has never been in favour of the poor. We still tax his food grains and the majority of the Councillors say with a light heart that the duty is no burden on the consumer!

Next Mr. Forbes roamed wide over the expenditure of the Municipality. Here he was on sure and strong ground, and most of his statements remained unchallenged. At first he plaintively complained of budgets which were cooked. But it is even doubtful now whether that complaint has been removed. Anyhow members conversant with municipal finance to-day know best whether the annual budgets submitted are or are not "cooked." Poor Mr. Forbes for the life of him could not make out Mr. Crawford's budget. He observed :—"It is difficult to get all the information which one would wish. Our budgets are published, and there are reports published, but these are very skillfully got up, and they are got up in such a manner that it would require a skilful man, with no end of time on his hands, to really master the facts as as they are." It may, however, be inquired which may be the budgets, local, provincial and imperial, which are *unskilfully* got up and which do not require ample time to be analysed? Mr. Forbes made much of 180 lakhs of municipal expenditure in six years, or say, 20 lakhs on an average from 1865 to 1871. One hundred and eighty lakhs of expenditure was considered excessive by Mr. Forbes. And his breath was taken away when he recalled that Mr. Arthur Crawford had besides borrowed to the extent of 32 lakhs by way of raising loans! This brought up the total expenditure of that extravagant Commissioner to 212 lakhs! And what substantial return had we to show for it! So carried away was Mr. Forbes by these figures that he forgot the immense sanitary and other improvements the city had undergone during the six years, and the many public works, some of a productive character, like the markets, which were constructed. Mr. Forbes, in the course of his indictment, could not see where the

return was. So he observed rather rhetorically than as a matter of fact, that he really "did not know where to turn to something which we can say represents our money."

But this indictment was not enough. Mr. Forbes had to voice another grievance which had reference to the question of municipal salaries. He observed that he could aver "without hesitation" that the salaries allowed were "disgraceful and exorbitant." Now this was scarcely fair so far as the salaries of the handful of the superior officers were concerned. These were fixed by statute. He admitted this fact and yet he referred to them as if Mr. Crawford was the person who fixed them. We need not refer in detail to the comments of Mr. Forbes on the salary question, he having hardly apprehended the work of the Commissioner, the Health Officer and the Executive Engineer and the Controller.

We must now allude to the Panwell brick works. Those were erected at a cost of over 3 lakhs of rupees at Panwell, with the view of turning out bricks departmentally for use in the construction of the much needed drainage works which the Commissioner had taken on hand. The idea of municipalisation of gas, water-supply, and so forth was scarcely suggested. But Mr. Crawford, with his resourceful energy, seemed to have foreshadowed that idea and courageously carried it out in practice. Whether even to-day it might be objected to by those who favour municipalisation of public works is a moot question. For even to the ardent advocates of such an idea, there is a certain limit. Such municipalisation should not collide with private trade and industry. It means Municipal trading, and how far municipal trading is compatible with municipal public works functions is a problem. They are wrangling over it most warmly to-day. Hence, we may easily imagine the

Bench of Justices of 1871 standing aghast at the departure of the go-ahead Commissioner from the orthodox principles of confining Municipal work strictly to brooms and mops. The error which Mr. Crawford made was that he sunk on the works a capital which was admittedly improvident. No wonder Mr. Forbes' business instincts were rudely disturbed by such an investment which hardly brought that return of capital needed. On the contrary, the works entailed a heavy loss. So Mr. Forbes wanted to know "What return we have had or what return we shall have from them." Then, again, there was another workshop which was called the White Elephant. The Municipal workshop, to turn out carts and minor castings needed for the engineer and health departments, was another eyesore to the reformers who were intent on viewing everything from the financial point. The workshops were considered by Mr. Forbes as an "expensive holiday." Even to-day there are Councillors in the Corporation who would maintain that opinion. And it is a fact that the late Mr. Nowroji Furdonji had in his day relentlessly denounced the workshops and even exposed the extravagances committed there by its head. Lastly, there was the municipal office, to which we have already referred as having been rented at Rs. 2,825 per month. The last indictment was too much for Mr. Crawford, who interposed, saying he would be happy to answer that question and to set Mr. Forbes right on many others of a similar character, "emanating from people who are in the habit of *not* signing their names. I am responsible for that and I am prepared to justify it." The next charge referred to was that of executing contracts without the knowledge of the Justices. The Commissioner was accused of having infringed Clause 32 of Act II of 1865. "I have a strong

impression," remarked Mr. Forbes, "that that clause has not been very strictly adherred to, but on the contrary that it has been persistently and systematically infringed. I say Act II of 1865 is bad, and has fostered a bad system, and it is to protest against the system and to ask the justices to-day to approve of steps for getting that system removed and altered that we are here to-day." That was the reason in a nutshell of the agitation at the head of which Mr. Forbes had whole-heartedly put himself. He spoke most feelingly on the subject and with an earnestness and a spirit of disinterestedness which, more than his facts and arguments, were not on all fours greatly impressed the public. He said: "I think the great desideratum in administering municipal business is caution and care, and due consideration in every step that is taken, not sudden jerks and sudden purchases, and the sudden contracts and the sudden leases that are entered into . . what I complain of in the present system is that everything is left to one Commissioner who feels himself responsible to no one—to the Bench he refuses to be responsible, and Government don't care to hold him responsible. Government don't feel it to be their business to hold him responsible." With these observations Mr. Forbes brought to a close his great speech, which was an indictment both against Government and the Commissioner, remarking that his brother Justices would remember that they had not come there "to serve this interest or that interest," that they had not come "to oblige this man or that man," but to perform a serious duty, and that every Justice present would vote according to his conscience for the best welfare of the city at large. Mr. Forbes' resolution was seconded by Dr. Blaney, who, however, reserved his battery of eloquence and arguments till a later period of the debate.

## CHAPTER XXIV.

CAPTAIN HANCOCK'S AMENDMENT TO MR. FORBES' RESOLUTION.

MR. FORBES' resolution was seconded by Dr. Blaney, but he reserved his remarks till a later period of the four days' debate. That citizen at the time was at the very outset of his civic career, though he had already made his mark at the Bench of Justices. A man of progressive ideas, he had from the very commencement of his entry there cast in his lot with the progressivists of the day. And it was expected that Dr. Blaney would take his part in the vanguard of the reformers. Thus in him Mr. Forbes found a stout seconder. After him rose Captain (afterwards Colonel)Hancock, Consulting Government Engineer in the Railway Department. This Justice was a most sober and sagacious guide of the Municipal Commissioner. Perhaps, none would have been more chivalrous in his advocacy of that masterful ædile than the gallant Captain. It was an open secret at the time that but for his sage counsel Mr. Crawford might have allowed himself, with his impetuous character and extreme recklessness, to drift into a worse situation than that of the moment. Captain Hancock was admitted on all hands to be his guardian angel. He realised with regard to Mr. Arthur Crawford that proverb which speaks of a friend in need being a friend indeed. The amiable Captain, whom to know was a pleasure, was anxious that the storm then brewing over his friend's head might be avoided by cautious steering. Throughout his attitude was pacific. Such were the angry passions aroused, and such was the bitter spirit of hostility

of some of those arrayed against the Commissioner, that it was no easy task for the chief advocate of defence, so to say, to keep a calm and unperturbed attitude throughout the speech, and refrain from indulging in any epithets or phrases which might irritate the already irritated party, in the midst of the battle breathing fire and fury. Captain Hancock was no doubt a man of some tact, and his speech was conceived in a pitch which had for its object the disarming of all hostile and angry criticism. He was conscious of the many financial lapses of Mr. Crawford. As a member of the Finance Committee he had clearly discerned how far that gentleman had erred and overstepped the municipal constitution. He felt with the reformers that some change was essential. He, therefore, offered the olive branch to them. But he grievously erred in his judgment. His method was a poor and unsatisfactory one, and in no way calculated to become acceptable to Mr. Forbes and his supporters. He began his resolution by disapproving the scheme of that gentleman to vest the executive power and responsibility of the entire municipal administration in a Town Council with a paid Secretary. He condemned the principle, and rightly too; but so carried away were the reformers, and so ill-informed were they as regards the cardinal principles on which local self-government should be conducted, that it was hopeless for the time to convince them that Captain Hancock so far was absolutely in the right. For a clearer apprehension of the matter we will here quote the first part of his resolution. It ran thus: "That the proposal to vest the executive power and responsibility now vested in the Municipal Commissioner in a Town Council, assisted by a paid Secretary, is a resuscitation of the plan on which the late Board of Conservancy was constituted, is wrong in principle, and

will, as experience has shown, fail in practice." In an earlier chapter we have pointed out how the Board of Conservancy, originally established in 1845, failed, and how also its successor, the Triumvirate of Municipal Commissioners, which was brought into existence in 1858, shared the same, if not a worse, fate. Wherever there was division of power and authority, and also of responsibility, local self-government was doomed to wreck. What is everybody's business becomes nobody's business. The strongest carry the day, and, if unscrupulous, bring local organisations into discredit and disgrace. The Hon'ble Mr. Cassels, in his opening speech, at the introduction of the Bill, which eventually became Act II. of 1865, pointed out in unmistakable language the fatuity of vesting executive authority in more than one individual, and firmly laid down the principle of having a sole Municipal Commissioner with full responsibility. He also pointed out the grave financial irregularities, and the consequent embarrassments, which had arisen by the institution of the Board of Conservancy first and of the reign of three Municipal Commissioners afterwards. To us, at this distance of time, it seems most extraordinary that Mr. Forbes and his friends should have thought of resuscitating in another name, the organisation, called Town Council, albeit expanded, which had proved so disastrous a failure and which, besides, was contrary to all true principles of local self-government, which John Stuart Mill and other scholars and statesmen had been inculcating in England. Both Messrs. Nowroji Furdoonji and Sorabji Shapurji, the two foremost leaders along with Mr. Forbes in this agitation for Municipal reform, had been to England. Both had studied some of the civic institutions there; and yet, strangely enough, both fell short of realising the cardinal principles on which

to base their reform! However, it speaks volumes to the credit of Captain Hancock that he courageously condemned the formation of the Town Council as formulated in Mr. Forbes' proposition. The next part of his amendment was as follows: "That the Bench of Justices should be maintained as heretofore, but that in order to facilitate business, the supervision and control of Municipal affairs should hereafter be entrusted to a Town Council, selected from the Bench of Justices, and composed of not more than 40 members, one-half the number to be Europeans and half Indians, the Chairman of the Justices to be *ex-officio* President of the Town Council. The members to be nominated annually, one-half by Government, and one-half by the Bench of Justices, vacancies being filled up as they occur by the authority by whom the original nomination was made."

The Bench of Justices at the time was no doubt an unwieldy body, consisting, we believe, of well nigh two hundred members. These, under Act II of 1865, were constituted a body corporate to carry out Municipal administration in the city. As a matter of fact not even one-sixth regularly attended the quarterly meetings; oftener than not it was difficult to form a quorum even half an hour after the time fixed for a meeting. Sometimes a meeting had to be postponed for want of a quorum. It was only on rare and important occasions that as many as a hundred would muster. Captain Hancock essayed to limit the number of the Corporation and devised that the Justices should form themselves into an electoral college. The two hundred were to select their twenty. There was sense in the suggestion, but it was found it did not realise what was wanted. He wished the Municipal Commissioner

to remain the executive but wanted to give him a smaller number of masters. These 40 masters, according to the fourth part of the amendment, were to have "absolute control of the finance, including the sanction of the expenditure and the approval of contracts." It was further proposed, to meet all the points raised by Mr. Forbes as to the financial autocracy of Mr. Crawford, that "no work or proceeding involving expenditure shall be commenced or undertaken without the knowledge and consent of the Council to be given in writing."

Captain Hancock moved his amendment in a most conciliatory spirit, observing that no one was more anxious than himself to see taxation reduced, to see extravagant expenditure done away with, and to put an end to the bad state of the law between the Bench and the Executive. He, however, was of opinion that those objects which Mr. Forbes and his friends had at heart could not be achieved by the scheme proposed by that Justice. He was afraid that the object was not so much to improve the constitution as to remove an obnoxious officer. He, however, agreed with every word that had fallen from Mr. Forbes as to the defect of the Act in reference to full and efficient control of Municipal finance. But he could not allow the executive power and responsibility to rest in more than one individual. Captain Hancock adduced many a cogent argument in support of it, to which it is now superfluous to refer; again, he was not in favour of the appointment of the Municipal Commissioner being vested in the Justices. It would not be uninstructive to quote the passage in reference thereto, as the observations on this point would even apply to the condition of Municipal affairs to-day. The present generation of Municipal Councillors should learn what a member of sound common sense said

forty years ago: "I think the appointment of the Municipal Commissioner ought to be entirely independent; it ought to be made by Government, because Government have the greatest possible interest, as the central controlling authority, in the good management of the Bombay Municipality . . . There are questions involved with respect to municipal taxation, with respect to the working of the Act in the Health Department, and in various other matters in which a large number of Justices have personal interests; and although I confess that I have never seen in my experience these interests obtruded so as to command a majority in favour of bad measures, still the contingency may arise . . . You may depend upon it that in the selection of an officer for this very important place, Government will have but one desire, and that is to select the best man they possibly can find."

With regard to the Town Council, Captain Hancock made it clear that his Town Council was to be a purely administrative body, and not an executive one, as contemplated by Mr. Forbes' resolution. He summed up a most conciliatory speech by saying that all he contended for was the principle that "while the Town Council should have full power of supervision and control, there should still be an executive officer whom we could hold responsible for the executive duties of the Municipality." The amendment of Captain Hancock was seconded by Mr. Hamilton Maxwell. To this a rider was proposed by Mr. Narayan Vasoodev. That gentleman was a self-made man and had risen from small beginnings to be the chief dubash of the P. & O. Company. He was popularly known by his surname as Mr. Narayan Daboolkar. His municipal career was of an energetic character. But his leanings were generally towards the officials with whom he had a great

deal to do personally. Mr. Narayan was an affable person, and was no doubt most anxious to win his civic spurs and earn local fame. He had a handsome presence and was gifted with a fluent tongue which made him a ready speaker and a fair debater. He had achieved a fair amount of popularity and lived to become a member of the local Legislative Council. Unfortunately he came to a premature death by being crushed underneath the portico of his bungalow at Malabar Hill, which suddenly gave way. Mr. Narayan generally agreed with Captain Hancock and argued mostly from his point of view. He proposed that there should be twenty-four Councillors in the Town Council, half European and half Indian, eight to be nominated by Government, eight to be selected by the Bench of Justices, and eight to be elected by householders who paid a monthly rent of Rs. 25. He also proposed a few minor suggestions. Captain Hancock, however, was disinclined to accept Mr. Narayan's rider. So it was allowed to be put as a second amendment to Mr. Forbes' resolution. This amendment was seconded by Captain F. Henry, the then superintendent of the P. & O. Co., a capital man of business who took considerable interest in Municipal affairs and lived to be the Chairman of the new Town Council under Act I of 1872. He, too, afterwards met with a premature death, being killed by a carriage accident near the P. & O. Co.'s docks at Mazagon. But his civic services were greatly appreciated and a bust of him, the first of its kind, was voted, which now adorns the hall of the Corporation. Captain Henry always spoke briefly but to the point. He observed that Mr. Narayan's amendment was good, as it put the happy medium between the proposals of Mr. Forbes and Captain Hancock. "To both these gentlemen I feel particularly

indebted," said he, "for bringing forward this subject to-day; particularly of Mr. Forbes for the very able and kind manner in which he avoided all personalities during the discussion." Two other important speakers followed Captain Henry, namely, Mr. Nowroji Furdoonji and Mr. James Maclean, who argued in support of Mr. Forbes' resolution. Both moved amendments which, however, will be noticed later. But the speeches of these two brought an end to the first day's proceedings, which the reader will admit, as we proceed with the narrative, were of a memorable character.

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## CHAPTER XXV.

### MR. NOWROJI FURDOONJI—"THE TRIBUNE OF THE PEOPLE"—AND HIS AMENDMENT.

WE now turn to the speech of Mr. Nowroji Furdooji whose indomitable courage, manly independence, perseverance, and public spirit had earned for him the sobriquet of the "Tribune of the People." On public platforms as well as in the Bench of Justices, and afterwards in the Corporation, that citizen was a prominent figure for well nigh fifteen years; though his activity in public affairs was coeval with the institution of the first Indian political organisation in the city, namely the Bombay Association. For many a long year he was the life and soul of that useful institution which in its halcyon days rendered yeoman's service to the Presidency. In politics, Bombay was undoubtedly a sleepy hollow, *prior* to the establishment of that Association in the fifties of the nineteenth century. But the public spirit and example of Mr. Nowroji Furdoonji, Mr. Dadabhoy Nowroji, Mr. Cursetji Nusservanji Cama, Mr. Sorabji Bengalee, Mr. Jaganath Sunkersett, Dr. Bhau Daji and others gave a great impetus to the early beginnings of political life in the city. The institution of the Municipality under Act II of 1865 greatly stimulated that spirit, and for the first time a large number of citizens of all classes began to evince a common interest for a common object. The present generation cannot sufficiently thank the framers of that Bill for the genuine public spirit in Municipal affairs they were instrumental in evoking. In fact, it is no

exaggeration to state that it surpassed their most sanguine expectations. The Hon. Mr. Cassels, the mover of the Bill, was somewhat sceptic about getting a sufficient number of the Justices to form the first Municipal Corporation, and attend the quarterly meetings for the transaction of civic business. He thought the more enlightened of them would be too busy in their own private affairs to devote a small portion of their time to the purposes of the city. No doubt he was led into forming such an opinion by the conditions and circumstances prevalent at the date of the introduction of the first Municipal Act. As has been stated in one of the earliest chapters on the subject, all Bombay and its wife was engaged in the wild-goose chase to become rich in a trice beyond the dreams of avarice, owing to the enormous wealth poured into the Presidency on account of the golden profits made by the cotton lords of the day during the American Civil War. But the crisis which followed at the heel of that speculation, and the financial collapse of credit of even the best of bankers and merchants, soon brought a sobering sense. This was further awakened as the operations of the Act began to be disagreeably felt so far as the collection of municipal taxes went. Hard hit by the financial crisis, the people were slowly emerging from its effects. While this was taking place the oppressive fiscal legislation under the Municipal Act seriously exercised them. The odious tax-gatherer and the distraint bailiff were the targets of their anathema. But it is human nature to fret and fume under a keen sense of wrongs, and it is also human nature that when wrongs are inflicted the critical faculty is sharpened. That faculty may be fairly considered to be the origin of public spirit. It only requires a strong leader and an intelligent following. All these events happened at what may be called

the right psychological moment in our civic annals. Men's minds were aroused. The improvidences and extravagances of the chief municipal executive were becoming the theme of universal complaint in-door and out-door. They were the talk of the town and the talk of the vigilant Press. Thus it happened that the critics of the financial pranks in the Corporation of the Justices were emboldened to "go at" the Commissioner, and to interpellate and censure him on many a point. These vigilant critics came, accordingly, to be admired in public. And the more their action was praised outside the Durbar room, the greater was the stimulus to their public spirit. And no citizen in that hall surpassed Mr. Nowroji Furdoonji at the time. He had only two years previously returned, after an absence of well nigh five years, to his native city. He was in London from 1864 to 1869, where he was no doubt a close observer of its free institutions, especially of the Parliament and the Municipalities. Liverpool was in the front rank of the latter, Glasgow emulated it but had not then surpassed Cottonopolis. Mr. Nowroji had keenly watched the course of the first Municipal Act in Bombay and was no doubt determined, therefore, to learn as much of municipal institutions as he could during his stay in England, so that on his return he might be able to make himself useful and give the benefit of his experience to his colleagues of the Bench of Justices. Thus it was that, on his return, no citizen more keenly pursued municipal politics than he. He had ample leisure which could hardly be said of most of his contemporaries. Naturally, therefore, he took a most prominent part in municipal debates. He was conspicuous in submitting popular grievances. He was a great master of details. He collected facts with all the patience and perseverance of the bookworm, and utilis-

ed them in the Corporation. It was these qualities, supplemented by his fearless independence, which at the juncture made him the idol of the people. And it was thus that he came to earn the sobriquet of the "Tribune of the people."

Thus was Mr. Nowroji Furdoonji at the time that the battle of reform was waged by Mr. Forbes, almost entirely under his guidance and that of Mr. Sorabji Shapurji. A master of municipal details, a keen critic, and a fair debater, he was undoubtedly the plague of the Municipal Commissioner. For it was he who brought to light the irregularities of Yeshwantrao Bulwant and Temoolji Shroff, the heavy losses in connection with the Panwel brick works, the mismanagement and extravagance of the head of the municipal workshop and diverse other matters. In fact, Mr. Nowroji had taken upon himself the role of a powerful municipal detective, and he knew how to focus his municipal search-light in every nook and corner of the municipality. Nothing escaped him, large or small. And many indeed were the passages at arms in the hall of the Justices between him and the Municipal Commissioner. In our opinion, Mr. Nowroji might have become even a more potent adversary of that official had he the gift of fluency. In municipal eloquence Mr. Nowroji was indeed very poor. Its want often diminished the force of his philippics. Had he been endowed with an eloquent tongue he would have been infinitely more effective in his many speeches. Those speeches, no doubt, read very well on paper. But when delivered extempore often jarred on one's ears. Both his method and manner of delivery were repellent. Hence Mr. Nowroji was never an impressive speaker. But his other solid qualities outweighed this one great disability. A minor

defect in Mr. Nowroji's municipal career was the unreasoning obstinacy into which he sometimes deliberately allowed himself to be betrayed. But these infirmities must be overlooked, for after all Mr. Nowroji was human. The older generation of Bombay, however, can never forget the valuable and solid service rendered by this man of the people. It may be well said of him that he was born of the people, worked hard for the people, and died of the people midst universal esteem and regard.

On the occasion of this great debate Mr. Nowroji made a brief speech in which he strictly confined himself to the constitutional part of the question. Of course, he disagreed with Capt. Hancock in the amendment he had moved. Neither was he in unison with that of Mr. Narayan Vasudev. He was of conviction that the reform which the public had set its heart upon would never be accomplished by the two amendments, inasmuch as the control the Bench wished to exercise over the Commissioner would in no way be gained. Said Mr. Nowroji: "If we are to have a reform, sir, we must have a thorough reform. Half measures will not do." Mr. Forbes' constitution was a good one because he had seen it tried in Liverpool and known it to have succeeded admirably. He had several conferences with the councillors and clerk of the Town Council in that town, when in England, and was thereby enabled to form his opinion. But Mr. Nowroji had to admit that the Liverpool constitution was "unlike the proposal of Mr. Forbes" inasmuch as the Town Councillors of Liverpool were elected by the rate-payers. In other respects Mr. Forbes' suggestions were all on a line with the actual constitution of Liverpool. And he was strongly of opinion that were a similar constitution allowed to Bombay it would give the greatest satisfaction to the rate-

payers. He was for a Town Council of 24, of whom 8 were to be nominated by Government, 8 by the Bench of Justices, and 8 by the rate-payers. Thus Mr. Nowroji came nearer to a conception of what local self-government in Bombay ought to be than Mr. Forbes, though of course, he had not had that bolder and more complete grasp of it as was later on pointed out by Mr. (now Sir) Pherozesha Mehta in the debate. But Mr. Nowroji had understood the value of representation from the rate-payers. "I attach great importance to the elective principle which is sought to be introduced for the first time in the conduct and management of our municipal affairs. . . . I do not think if this elective principle is adopted by the Bench, the Government will have any hesitation in sanctioning it, and I am very confident of the good working of it. The rate-payers will see that they have a direct interest and voice through their representatives in the conduct and management of municipal affairs." This was the first and distinct advocacy of rate-payers which was brought to the notice of the Justices; but at the time they were not educated enough to accept it. Nevertheless, the education was to come a little later on, and that in such a form as to surpass even the sanguine anticipation of so radical a reformer as Mr. Nowroji.

## CHAPTER XXVI.

### THE REDOUBTABLE MR. MACLEAN AND THE MANLY MR. MANDLIK—THEIR RESPECTIVE AMENDMENTS.

WE now come to the brief but terse speech of Mr. Maclean, then editor and proprietor to the *Bombay Gazette*. Readers of the *Manchester Guardian* will have no doubt informed themselves of the early career of that journalist in Bombay. He joined the *Bombay Gazette* in 1860, and was for a time the editor of a vigorous weekly called the *Bombay Saturday Review*, of which the leading contributors were Sir Alexander Grant, the well-known translator of Aristotle's Ethics, and afterwards Principal of Elphinstone College and later of Edinburgh University, Professor Hughlings, an English scholar of repute whose name is still held in esteem and regard by the generation of Elphinstonians of the sixties and seventies, Dr. (now Sir George) Birdwood, Professor of Botany and Materia Medica in Grant Medical College, and a keen and distinguished student of Indian antiquities and Indian literature, and Sir Raymond West, then a civilian of five years' standing but bearing no mean reputation as one of the brilliant batch of the earliest "Competition Wallahs." That journal, though most ably conducted, had a brief existence, and Mr. Maclean afterwards solely occupied himself with the *Gazette*, whose fortunes he was able to guide by his trenchant pen for well-nigh twenty years. He made his paper a power in the land and a terror to all evil-doers in high and low places. Fearless and independent, he recked

not whom he offended or chastised. Whichever side he took in public affairs, local and imperial, it was taken for granted that he would advocate it with all his strength and all his literary resources. Not that he was always in the right; but then he did not claim the infallibility which is affected by the service which loves to call itself distinguished. Very often he was carried away by the unbridled force of his own impetuosity. His hatred for the Deccan Brahmin was implacable, and more than once he gave unmeasured vent to his feelings in words which undoubtedly rankled in the hearts of that estimable community. At the same time none has rendered more yeoman's service to the public cause on grave occasions. An enemy to all kinds of jobbery in public places, he distinguished himself most praiseworthily at the earliest period of his career, by inditing a powerful philippic on the multiplicity of appointments held by a High Court official, who happened to be the nephew of a Chief Justice, while yet a young man of twenty-two, which yielded a monthly salary of Rs. 5,000, equal to that of the Commander-in-Chief of Bombay.

Later on, he mercilessly criticised Indian finance and Sir Richard Temple's budget. His pen was powerfully enlisted in connection wlth the agitation on the odious License Tax. His withering criticism on the Vernacular Press Act of Lord Lytton, generally called the "Black Act," is a masterpiece of the literary art and a magnificent vindication of the freedom of the Press which the genius of Macaulay and Metcalfe gave years before to the Indians. His condemnation of the administration of Lord Lytton's viceroyalty and his close criticism on the finances of Sir John Strachey are worth mentioning. Mr. Maclean, again, fought valiantly on the side of the local Chamber of

Commerce in its battle of the Gauges with that official Goliath, Sir Richard Strachey of narrow gauge fame. His powerful impeachment of the imbecility of Sir Philip Wodehouse's government during the deplorable riots of 1873 was greatly instrumental in restoring order in the city which for three days had been disturbed by the rioters. His chivalrous defence of the Parsi community from official and unfounded aspersions is still remembered, and so, too, that memorial which he drew up on their behalf, in oompany with Mr. (now Sir) P. M. Mehta, for submission to the Secretry of State, which elicited a grave rebuke from that authority on Sir Philip's government and his policy.

We have gone somewhat out of our way in saying so much of Mr. Maclean. But we feel that this is an excellent opportunity for us to make the present generation to some extent acquainted with the public work of that ardent journalist who cherished till his dying day such love for Bombay and such esteem for her cosmopolitan population. His conduct and attitude at the Bench of Justices, and, later on, in the Corporation were fearless and independent; they were also of a character to set a worthy example to all public spirited persons as to the duties of a free citizen and ratepayer. He imparted, along with a few other independent Europeans, a manly spirit and tone to the civic body of his day. The citizens honored his public spirit and arduous labours in connexion with the Chairmanship of the Town Council, a post which has since been seldom filled with greater ability and credit. His exposition of the budget for the year was held at the time to be a masterpiece of lucidity in public finance and elicited the highest praise.

But the reform of the municipal administration was in 1871 yet an unaccomplished task. The Town Council

was yet in embryo. But Mr. Maclean bore his share in fostering the existence of both these, along with his other reforming friends. It was quite late in the afternoon of the first day when he began to make his observations. Moreover, Mr. Forbes and the speakers who followed him had well-nigh exhausted the topic. What was left to the subsequent speakers at that and the other three sittings was to suggest the best form of Municipal Government which would keep under complete check and control the executive, and have a vigilant watch and ward over the city's finances. Bombay's municipal ideas were not then so expansive as they are to-day. The borrowing of 5 to 10 lakhs in a single year often alarmed the Municipal watch-dogs, and the contracting of loans amounting to 32 lakhs in six years was to them something stupendous in civic finance with a total gross revenue of 30 lakhs per annum. Hence the anxiety pervading all classes of citizens to keep a strong curb on the civic purse. That the Bombay Municipality would bud into a "rich kingdom," with a revenue of over a crore, and that its potentiality would be such as to enable it to construct colossal water works costing 1½ crores—these were things undreamt of in the practical politics of those who nursed and dandled on their knees the infant institution of six years.

Mr. Maclean, therefore, rising at a late hour, confined himself strictly to criticism on the several proposals for the constitution of the reformed municipality. In his reminiscences, as described in the *Manchester Guardian* some years back, Mr. Maclean, with a somewhat fading memory, we fear, spoke of his having originally recommended the constitution which was eventually embodied in the Act of 1872. He observed that in the interview which the Governor had with him for the special purpose, he was the

person who laid down the lines. That may be. But such lines must have dawned on him at a later and subsequent stage. For we find no trace of them in the amendment which he moved at the meeting of 30th June, 1871. He began by observing that the reform wanted in Bombay was "an amendment of the Act which will give direct control to a body of men who are competent to use that power." Though agreeing with Mr. Forbes on the general principle, he also, like Captain Hancock, was entirely sceptical about entrusting all executive authority to the proposed Town Council. It was very well, he remarked, for Mr. Nowroji Furdoonji to bring in the experience he acquired at Liverpool by studying the working of Committees there; but Bombay was not for such. Neither did Bombay possess many Nowroji Furdoonjis. He believed that in the circumstances of Bombay as then situated, it was "necessary that the officer charged with the executive duties should be independent of the Finance Committee, and that he should be appointed by the Government of the place. . . . I think Mr. Forbes and Mr. Narayan Vasudev are attempting to do too much. What the Bench should do is to pass a simple resolution, stating the principles of the reformation which they would wish carried out, and those principles can afterwards be embodied in a Bill to be brought forward in the Legislative Council." Mr. Maclean accordingly moved the following amendment which was the fourth of its kind: "That six years' experience of an ever-increasing and unchecked expenditure has satisfied the Bench of its own inability, as it is at present constituted, to give the municipal finances the constant and effectual supervision contemplated by Act II. of 1865. That the Justices in this meeting assembled therefore respectfully request Government to

transfer all the financial powers vested in the Bench and the Municipal Commissioner to a Town Council to be partly nominated by Government and partly elected by the rate-payers." It will be seen that Mr. Maclean had no idea of having a Corporation of the kind which was eventually established under the reformed Municipal Act. Like his colleagues, his vision was confined to a small Finance Committee.

The last speaker at the first sitting was Mr. Vishvanath Narayan Mandlik, whose name is as well known in the city in connection with all public affairs as that of Mr. Nowroji Furdoonji. A brilliant Maratha scholar from his earliest days, and a practised pleader to boot, Mr. Mandlik had associated himself at an early age with the Bombay Association, where his talents and energy were soon recognised. Thereafter he became a familiar figure on many a public platform. And after the death of the lamented Juggunath Sunkersett he was no doubt the rising hope of the Hindu community—we mean the Maratha section of it. Mr. Mandlik was a public-spirited collaborator with Mr. Nowroji Furdoonji and Mr. Sorabjee Bengalee in all municipal affairs. These formed a capital non-official triumvirate on the municipality. They throughout acted in concert and had a valuable ally in Dr. Blaney, who had a fluent-tongue which, unfortunately, none of the other three possessed. Mr. Nowroji's delivery, as already said, was somewhat uncouth and halting. Mr. Mandlik's was no better. Mr. Bengalee was an inaudible and unimpressive speaker. But all the three were close students of municipal matters and made it a point of forming a healthful opposition and voicing the grievances of the unrepresented rate-payers. As such they did yeoman's service. Mr. Mandlik for his many public services was rewarded

with a C.S.I., while Mr. Nowroji and Mr. Bengalee had each a C.I.E.

Mr. Mandlik went into a long history of municipal organisation in the city, making special references to the debate on the bill which eventually passed into law as Act II. of 1865. Thereafter he discoursed on house property and its depreciation owing to the absurd fiscal system in vogue of taxing occupiers, and ran the whole gamut of the bill of indictment as first hurled by Mr. Forbes at the Municipal Commissioner. In his opinion Mr. Forbes' proposition gave a whole and complete scheme of municipal reform, while the subsequent amendments were halting measures which simply sought "to coquet with municipal reform." Said Mr. Mandlik, "If the Government will not give us reform, it is not our fault; we shall have done our duty, and the blame will rest upon Government which refused it." Mr. Mandlik was strongly opposed to the appointment of the Chief Executive by Government. "We ought to have the Council responsible to the city and independent of external control. . . Let us go for a whole, not a partial scheme, with the old taints upon it." And here that energetic Justice concluded his observations, and the deliberation was adjourned till 5th July 1871. Thus ended the first day of the great battle for civic freedom.

# CHAPTER XXVII.

THE MONSTER RATE-PAYERS' DEMONSTRATION—SIR JAMSETJI JEEJEEBHOY AND MR. ROBERT KNIGHT.

THE second battle of Municipal reform took place on 5th July, 1871. This time the meeting place had to be changed. There was a migration from the small Durbar room to the spacious public hall which therefore became the battle ground of the rival parties of Forbes and Hancock. No doubt on the first day the chief incident was the attack of the former on the latter. On the second day the time for a return attack had come. This was given with full force.

All Bombay was there to view the combat between the two great parties, though none could hazard on which side the scales of victory might eventually turn. This much, however, can be said by the present writer, who had keenly watched the game all through as one of the audience, and not as a Bencher, that the mass was greatly predisposed to give the palm to the Forbesites. The heart of the city at the time was, to quote the words of a contemporary chronicler, "convulsed to its inmost depths." That indeed was a truism and much talked of at the time. It was phenomenal this stirring of public spirit in matters of civic management in a semi-oriental city "accustomed for generations to the tender mercies of a paternal Government." It remains unsurpassed to this day. Indeed we see in 1913 none of that burning civic spirit which characterised Bombay in 1871, both European and Indian. Public spirit to-day is decadent and demoralised. It is decaying and dieing.

On the second day, long before the hour of the meeting, the Town Hall was inconveniently crowded with spectators. Outside, too, throngs of people were to be seen on the steps, in the Elphinstone Circle gardens and in Church-gate street. There was no end also to the number of carriages which conveyed their passengers to the hall. Such was the surging crowd at the doors of the hall that the police, with great effort, had to keep back the rush of sightseers.

The proceedings were certainly most enlivening and eloquent. There was no limit to the keen repartees which were exchanged. In fact, the fusillade of wit, sarcasm, ridicule, light banter, was continuous and effective. In the enjoyment of this special treat, the Benchers as well as the public forgot all about the stifled atmosphere of the hall, its intense heat, and the other discomforts and inconveniences they had to put up with.

Turning to the proceedings, it may be observed that the very first matter which the Justices were asked by their Chairman to consider was the petition presented to them by the rate-payers, signed by Mr. Mooliji Thakarsi and two thousand others. That Bhattia gentleman was the very first who in the sixties had travelled to England and had been a witness of the great proceedings in Hyde Park. Having a vivid recollection of that demonstration, and, besides, being imbued with an ardent public spirit, then almost non-existent in a member of the community to which he belonged, he was undoubtedly the prime mover of the rate-payers' demonstration organised in the city. He was an excellent organiser. In conjunction with his colleague, the late Mr. Tukaram Tatia, an indefatigable worker in the cause of the rate-paying public, he organised a grand demonstration, with a procession of standard bearers and

bands playing in front. No doubt this concrete form of Municipal agitation greatly tickled the masses utterly unaccustomed to such proceedings. The novelty of the thing itself and the justice of the cause both gave unwonted impetus to the organisation. All Bombay and its wife began to talk of the "burra Municipal tamasha" whose fame had already spread from end to end of the town. Thus was the dormant public spirit not only of the rate-payers but of the masses aroused, and thus their interest and sympathy were enlisted in the cause of the Forbesites than whom none were more popular in those exciting times.

The clerk of the Peace, Mr. Stanger Leathes,* having read the petition and laid it on the "table of the House," so to say, the Chairman, seeing so many loud and visible signs of demonstration in the hall among the spectators, rose and with dignity called them to order, observing that they would "refrain from any demonstration of applause, or otherwise, during the debate." Mr. Nowroji Furdoonji was requested to translate the little warning of the Chairman for the benefit of those of the audience who did not understand English.

The second day's proceedings then commenced in right earnest. To add the prestige and influence of the "first citizen" of Bombay to the side of the reformers, Sir Jamsetji Jeejeebhoy (the second Baronet) was also among the speakers. His speech was brief and to the point. He said that (1) there should be some change in order to secure complete control over the city's expenditure; (2) that there should be a reasonable reduction of expenditure;

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*A member of the firm of C. & F. Stanger Leathes, Solicitors, the predecessors of Messrs Crawford Brown & Co., of to-day.

(3) and that there should be a reduction of the burdensome taxation imposed on the rate-payers. But all these reforms should be accompanied by the highest efficiency. Economic efficiency was the standard to be attained in the Municipal Government of the city. On his part Sir Jamsetji thought the object would be well attained by acting on the broad lines of Mr. Forbes's amendment without entering into details. Sir Jamsetji complained of many an anonymous communication he had received. And he greatly deprecated the anonymous writers who denounced those who were not quite at one with Mr. Forbes as "the enemies of the poor." He wisely remarked that they were all "unanimous" in their determination to protect the poor and the rich alike from their great burden of taxation. Only they differed as to the best and most efficacious means of carrying out the reform. "I say these few words," said the second Sir Jamsetji, "to show that I am not to be deterred from my duty by anonymous persecution."

Captain (afterwards Sir Henry) Morland followed Sir Jamsetji, observing that he agreed to the principle on which the motion of Mr. Forbes was based but he was mistrustful of the proposed Town Council, for the reason that a body which was elected by three different electorates of varying intelligence and influence, was certain to come into conflict as their respective interests varied. He was for having a representative rate-payer from each ward on the Town Council so that they would find "that a fair share of the rates and taxes collected in each district was laid out on the Municipal improvements for that district." This looked like decentralisation of Municipal finance—a scheme still in dream-land, though, if we remember rightly, once or twice one of the members of Mandvi Ward suggested something akin to it. Captain Morland, however,

was the first to suggest a small honorarium or fee for members of the Town Council, so as to ensure punctual and regular attendance. As each Justice who took an active part in the debate had to put forward his own fancy scheme, Captain Morland had his. His amendment was to the effect that the entire executive power and responsibility be vested in a Council of Justices—this Council to be designated the Town Council—to consist of 24 elected members from the Justices, of whom 12 shall be Indian gentlemen, presided over by the Chairman of the Justices. The city was to be divided into 24 wards, each ward to have power to appoint one member of the Bench of Justices by a majority of votes of the householders who paid rentals to the amount of Rs. 25 per month as the representative member of that ward in the Town Council.

The next important speaker was Mr. T. Ormiston, the great Engineer of the Elphinstone Land Company, and afterwards of the Bombay Port Trust, which acquired all the property and foreshore belonging to that powerful concern. Bombay City, specially its mercantile community, owes to the talents of that Engineer its docks which have so greatly facilitated traffic and economised expenditure. Mr. Ormiston admitted that reforms were essential. He himself had fought hard against certain extravagant pensions which were allowed, but all the same, and despite all faults, he did not like the spirit of the agitation, and he did not approve of local Government by Committees. His experience of the latter was far from satisfactory. But so it must be, observed Mr. Ormiston, "because Committees, as is well-known, have neither a soul to be damned nor a body to be kicked." Then as to Mr. Crawford, only a few short years ago the Bench gushingly gave his name to the magnificent markets he built for the city, and which are

still considered the best in all India. Mr. Crawford had done nothing to compare with that extravagance since; and yet they wanted to bait and badger him now. The reformers turn round on him and say: "We cannot afford to have this man any longer; we will have a new regime.'

Then rose Mr. Knight, who had earned the sobriquet of the "Bayard of Indian Journalism" for his sterling integrity, righteousness of purpose, manly independence, and unique grasp of all the burning political and economic problems of India. It was he who, after taking charge of the old "*Bombay Times*" from the hands of his predecessor, Dr. Buist, an able man and an antiquarian, raised the tone of the Anglo-Indian press in this city and fixed the standard of what modern journalism should be. But this is not the place to recount the journalistic accomplishments and history of that *facile princeps* of Anglo-Indian editors. Suffice it to say that from the day that he unmasked the Inam Commission of odious memory to the heyday of Bombay's financial prosperity, during the American Civil War, Mr. Knight was a power and influence in Bombay. The highest officials sought his advice and opinion. A sound politician and economist in every way, his writings may still be read with profit and instruction by the rising generation. There is a true ring of the master mind in all of them. Their refreshing candour, their simplicity, and above all their indubitable accuracy, carry conviction home and mark them out as models of public writing in India. Such was Robert Knight. At times he may have been wrong in his opinion or fact, but be it right or be it wrong, there was such unsophisticated frankness about him, such love of justice, such burning love for truth, that those who came into contact with him could not but be impressed by his singular personality.

In this crusade against Mr. Crawford, Mr. Knight seems to have been fully convinced that the opposition arose more from personal prejudice and personal spite than from any serious laches on the part of that masterful Commissioner. Hence, he went to the Bench of Justices fully prepared to fight heroically, as befitted a modern knight of the pen, on behalf of one whom he thought to have been more sinned against than sinning. Till then, Mr. Knight had seldom emerged from his editorial sanctum to mount the platform. His attendance at Bench meetings was occasional. He only made it a point to be there when some important economic or financial topic exercised his mind and drove him to do the right thing. He had no patience for the idle talkers who talked more than they ever achieved anything for the city. He nicknamed them "twaddlers." So Mr. Knight came with the deliberate purpose of defending Mr. Crawford from the heavy bill of indictment arrayed against him. If some of the Forbesites cursed Mr. Crawford, Mr. Robert Knight, a host in himself, was ready to smother these with his own anathemas and objurgations, and it will be seen from what follows that he stinted not himself in that direction, specially for an incident that occurred. Mr. Knight began his philippics in the very second sentence of his utterances. "Sir," said he, "the constant talkers at this Bench are, perhaps, not the best. The great prophet of our age tells us that such are ever 'the worst, the feeblest, triviallest, their meaning prompt, but small, ephemeral." It was in this strain that he commenced his harangue, catching no doubt the fiery spirit of Carlyle whom he had just quoted. Having delivered himself of this portentous sentence against the feebleness of the ephemerides of the Bench, he was interrupted by Mr. James Taylor, a short, ruddy-faced Scotchman, but a talen-

ted personage and then Secretary to the Bombay Chamber of Commerce. That gentleman wished to ascertain from the Chairman whether Mr. Knight was "going to read through the whole of that long paper he had in his hand . . . The privilege of reading speeches is accorded to native gentlemen only, and I hope Mr. Knight, whose great ability we all know, will spare the Bench having to sit to listen to the reading of a long written paper." Here then the fat was in the fire! Parleys and counterparleys went across the round table. One said Mr. Knight was in order, another said no. Mr. Knight himself thought he was in perfect order. The meeting was evidently growing excited and it was imparting some of its own warmth to the surging crowd which filled the hall. The Chairman rose and ruled that written speeches must be proscribed. He thought it "a very objectionable practice that speeches should be read here at these meetings, and, it is also, I think, most undesirable that such a practice should be introduced." On a previous occasion the same point was raised when it was decided that the matter should be entirely left in the hands of the Chairman, and Mr. Knight pointed out that ruling in his own support. The Chairman was addressed on the point by more than one speaker, so at last he rose to say that the best thing he could do was to determine the matter by the vote of the Bench. So a vote was taken which, of course, was against Mr. Knight who, however, made a final stand before giving up what he considered to be his just privilege. He reasserted his former argument and the previous ruling saying: "I do not come here to twaddle at every meeting of this Bench, as many members do; I only come when I have something to say; I think it ought to be taken as a compliment to the Bench, that I take the

trouble to write out a long speech and come here to read it." But the Chairman was inexorable and Mr. Knight had to make his speech extempore as best he might. He commenced his oration, which eventually turned out to be not only powerful but enlivening, eliciting the highest applause, by remarking that since "I am overruled, I must do the best I can." And he was true to his word.

## CHAPTER XXVIII.

### MR. ROBERT KNIGHT'S GREAT SPEECH IN DEFENCE OF MR. CRAWFORD.

AFTER the preliminary skirmish as to reading his speech, Mr. Knight submitted to the inevitable. Those who strenuously opposed "manuscript eloquence," perhaps fancied that he would soon lose his train of reasoning and therefore collapse.

The opposition was in reality due to the dread among the reformers of his turning the scales against them to a certain extent. The Forbesites were fully aware of the views propounded by him, which, of course, were opposed to those which they entertained and propagated. The objection to having his speech read was only one of the tactics which members of deliberative assemblies in all parts of the world resort to for party ends. That partisan spirit was running high at the date we are referring to cannot be gainsaid. The reformers were not slow to take advantage of this technical point and baulk, so far as they could, Mr. Knight of his eager desire to deliver his speech. They thought that Mr. Knight would possibly break down; or, at any rate, would be unable to traverse all the arguments urged from their side. Fortunately for Mr. Knight, but unluckily for the opponents, he acquitted himself in his great extempore harangue, even beyond the most sanguine expectations of his colleagues in the Corporation. Spurred on to the defence of the Crawfordean regime by the "twaddlers" who had succeeded in thwarting him from his original purpose, the old Adam in him was completely aroused. In the interest of truth and justice, it must be admitted

that none had in that debate displayed such a marvellous grasp of details, and such powerful advocacy, bristling with facts and arguments, as he. This was candidly admitted by Mr. James Taylor himself, who spoke later on during the same afternoon. "Mr. Knight must be very much obliged to me," said he, "for objecting to his reading an essay. He has made an admirable speech, and although I have heard only a little of it. . . I trust to have the pleasure of reading afterwards what I have not heard." The essay was, of course in print, and Mr. Knight lost no time in circulating it among the Justices after a little while. It is a rare brochure but could be read with interest even to day by those who would care to learn something of the most eventful incidents of the Bombay Municipality during its infancy.

Mr. Knight's strong points were concentrated in that portion of his speech which combated the facts of Municipal finance and taxation so powerfully hurled against him by Mr. Forbes and his supporters. In the very second sentence of his speeeh he pitched its keynote. Mr. Forbes and others bitterly complained of the burdensome character of taxation, and pointed out the heavy list of insolvencies at the time as a proof of the house-owners having found that burden beyond their ability. In referring to Mr. Forbes' speech, we pointed out that the insolvency of a few houseowners had little or nothing to do with the Municipal taxation levied under the Act and for which Mr. Crawford under no circumstances could be held responsible. Mr. Forbes, in that part of his indictment, had rather strained his point too far to prove his case. It was no doubt in the nature of *argumentum de hominem* and nothing more. Mr. Knight, therefore, began by pointing out what was the real cause of the financial stress in the

city—the same that we alluded to. Said he: "The long commercial depression,"—the effects, we may here interpolate, of the financial collapse which set in with the Black Day (1st July 1865) of Bombay,—"which the community has suffered, and the private distress which undoubtedly exists, have been made the occasion, through the teachings of a very incompetent press, to lead the sufferers to believe that their distress is caused by their being disgracefully burdened with taxation; under this erroneous impression we have been called here to-day to adopt a string of resolutions under which we are asked to extinguish ourselves." Mr. Knight's impatience on account of the very superficial knowledge of public or municipal finance, possessed by his colleagues was great. His intellectual pride was also great. In that proportion his intellectual contempt, too, for those who set up to pull to pieces the Crawfordean finance, was great. Master of withering sarcasm, besides, he throughout his speech failed not to run full tilt at Mr. Crawford's accusers and give many a hard hit under which, it is well known, some winced. "Now, Sir, I certainly did hope," firing his first volley at Mr. Forbes, "when I came here on Friday last, that I should obtain from the mover of the resolution a careful and exhaustive statement of municipal finance; but beyond the vague statement of one or two general impressions which he entertained, there was not one word which fell from Mr. Forbes which evidenced anything like exact information as to the position of the Municipality. I felt amazed, when Mr. Forbes sat down, at the revolutionary character of his proposal. I felt that in asking me to form company with him, it was ignorance appealing to exact knowledge, and feebleness appealing to conscious power to commit an act of common suicide. I am not prepared for it. I am convinced that I shall satis-

fy Mr. Forbes before I sit down that I have an exact knowledge of municipal finance to which he can lay no pretensions." He then explained what was the real cause of the army of bailiffs being let loose on the island and the consequent indignation of the rate-payers. He laid it at the door of the fiscal policy underlying the Municipal Act of 1865. He copiously quoted from Mr. Crawford's reports to show that even as early as 1867, that Commissioner had himself felt the evils of the policy which the Act had brought into operation. In support of his statement he circulated copies among his colleagues of statistics which pointed out why the burden of taxation was so oppressive. At home, he pointed out, under the direct rate system, the taxes fell upon every one person out of every five, six or seven; here they fell upon one out of every fifty, seventy or eighty persons. The legislators who framed the system of taxation had no statistics to guide them, and they bungled, with the consequences against which people rightly protested. They "adopted a direct system of finance for the community, a system about as well suited to Bombay as it would be for Timbuktoo." As an instance, to emphasise his argument, Mr. Knight cited the population in Dongree in *each* inhabited house. Dongree had 60,259 inhabitants, and the number of persons living in each house came on an average to 83. So that under the fiscal system in vogue at the time, Mr. Knight remarked, "you take one man of these 83 and make him pay the taxes for the whole 83 persons." So enamoured was Mr. Knight of his own statistics, which were not free from glaring fallacies, and so full was his mind of comparative municipal taxation in England and other parts of the world, that his brother Justices seem to have got tired of this portion of his speech. Mr. Maclean appealed to

the Chairman, "whether this sort of thing is to go on." To this the speaker replied: "You will be obliged to listen to them, Sir." And all through the debate petty interpellations, rejoinders, tutoques, and small passages at arms continued. So full of matter was Mr. Knight, and so well had he come prepared with statistical information that it really began to pall on the audience. However, he went on firing away his economic guns and overwhelming Mr. Forbes and his supporters who, however, took all these wordy attacks very coolly, aware of the fact that Mr. Knight was oftener than not an earnest but misguided enthusiast and carried away by his own hobbies. He was not to be moved on that day from his purpose, and he did not sit down till he had traversed all the points of finance to which Mr. Forbes and others had referred and with which so much fault was found. He was indignant that Mr. Forbes made a speech "without knowledge" and wished the Bench to be extinguished. But Mr. Knight observed *he* was not incompetent and refused to be extinguished. "I say Mr. Forbes has not given the subject that thorough study that it requires. And in order to remedy the evils he has portrayed he wants to dismiss the Commissioner—a Commissioner to whom the community owes a debt of gratitude for his services that it can never repay. The man has his faults, but he is a man. . . Again, we are constantly having dinned into our ears that the Bench cannot rule Mr. Crawford. I can rule him, Sir. Let just occasion arise for controlling this gentleman, and I pledge myself to this Bench and the public, that I will rule him." At this sally there was to be seen a smile on the lips of Mr. Knight's colleagues. But so deeply in earnest was he at the time that, without looking to the right or to the left, he went on expressing himself in the

most vigorous terms he had at his command. There was the true ring of stern advocacy for one who, he was deeply convinced, was much baited, and much abused. Warming to this personal part of the subject, he further observed: "I have full power to rule him under the Act. It is your twaddlers, Sir, who cannot rule him, for he is a man whom twaddlers cannot rule. I would have no respect for him if they could." At this the hall rang with ironical cries of "hear, hear." Evidently, Mr. Knight had carried himself away too far; and the Chairman had to mildly hark him back. Said Mr. Scoble: "I think Mr. Knight would be much wiser if he avoids personalities." He meekly bowed to his decision, but the next moment he was again in his element. "The fact is this, Sir, the Municipal burden has been clapped round the neck of the horse, instead of round his loins; and in the Commissioner, too, you have a blood horse in your Municipal carriage, and therefore, you must have a skilful driver. I would not take him on a palfry worrying ground and tease him about brickfields or steam rollers. Fellows who do that keep one eye open upon the steam roller, while they close both upon the markets and the other improvements." This was a decided hit. For it is a fact that in their eagerness to hunt up every default against Mr. Crawford, his accusers had not the candour to admit the many marvels of Municipal work he performed and the many Municipal works of public utility he inagurated, notably the market which bears his name.

The destructive criticism being over, Mr. Knight remarked that he had no amendment to move. "I never make a motion unless I know that I can carry it." That was Mr. Knight's reason for refraining from moving an amendment. He was quite right so far, because it was an open secret that the majority of the Justices were on the

side of Mr. Forbes. Mr. Knight's suggestion, however, was that instead of sixteen members of the Bench, armed with full powers by the Legislature, to control the Commissioner, he should be given three or four men as a consultative committee. He had the greatest contempt for the Town Council. "As to the antiquated abomination of a Town Council, I may say that five-sixths of the Town Councils of England are a byword." Then turning round again he twitted the Forbesites that they ought to be ashamed of themselves for abusing him after "paying Mr. Crawford nothing but compliments for five or six years.. It is he who has made the city the envy of European cities. It is constantly quoted in Europe, Sir, for its good conservancy and its good order. It is his system that you wish done away with, and 16 Town Councillors substituted, sixteen pulling sixteen different ways at once." Mr. Knight was so warm an admirer of Mr. Crawford as of the prodigies of Municipal conservancy he had achieved that he would have him for a long term of years at the head of the Municipality. He had contemplated the future potentiality, and therefore the greatness of Bombay, and keenly desired that such a Commissioner should long remain as its chief ædile. In Mr. Knight's vivid vision Bombay was "physically, the exact centre of the whole world," and, therefore, it was only meet that so far-sighted a Commissioner should still remain at the helm to be able to accomplish all which the growth and expansion of Bombay, with her unique geographical position—the highway of all Asia, as we now admit it to be—would demand. Here indeed the prophecy of Mr. Knight has been literally fulfilled. He pictured to his colleagues what the city would be at the end of the century. "I will tell this community what their city will be long before the close of the century. You

will see the Indian Ocean covered every winter with the white sails of English yachts and Bombay crowded with tourists and invalids from both hemispheres." No doubt the white sails have given way to tall iron masts and funnels, but there is no limit to the stream of globe trotters every season. Having appealed to his brother Justices to vote according to their conscience, and not according to their prejudice, and after having repeated the words of a well-known old resident, Mr. Walker, better remembered by his *nom de plume* of "Tom Cringle," that "when the present generation of grumbling tax-payers shall have passed away, there will be a statue erected by the inhabitants of Bombay to commemorate his worth as a citizen," Mr. Knight sat down midst the applause of both parties, having made his first and last great extempore speech in this great city, which even to-day tells us of the breadth and liberality of his views, his grasp of economic facts and his terse but vigorous language.

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## CHAPTER XXIX.

### MR. S. S. BENGALEE'S DEMOLITION OF MR. KNIGHT'S FINANCE.

MR. SORABJI SHAPURJI BENGALEE, was the next important speaker. Of this distinguished Jusitce, it is superfluous to state anything here. In his civil capacity he had achieved a fame which was all his own. Trained originally in accounts at the Mercantile Bank, Mr. Bengalee was a close and searching examiner of municipal finance. In this he had no equal at the time. It was well known that it was he who supplied all the raw material on which Mr. Norowji Furdoonji used to rely for his open crusade against the financial mismanagement of Mr. Crawford. Mr. Sorabji lacked that fluency of speech which is so much needed on the public platform to make an impression. He also lacked that fire which made the public spirit of his colleague, Mr. Nowroji Furdoonji, so aglow with enthusiasm. Mr. Sorabji in his public utterances was cold and impassive, besides being scarcely audible. His speeches always fell flat on his hearers, though in print they read not only well but gave the reader an excellent impression of what was meant. That such a member of the Bench should allow Mr. Knight, however extensive his knowledge of abstract economics and public finance, to go uncontradicted with regard to the many financial statements made by him, would have been a surprise. Being matter-of-fact, Mr. Sorabji rose and put three pointed queries to that valiant advocate, whether he was aware of the report of the Select Committee of the local Legislative Council which was unanimously signed by all its members

and which pointedly alluded to the bad financial management of the Commissioner. Mr. Sorabji began defending Mr. Forbes from the alleged charge of incompetency and ignorance hurled at him by Mr. Knight in his powerful speech. Mr. Bengalee, at the Bench of Justices, was never known to be aggressive in tone or temper. In fact, his placid constitution forbade it. He was aggressive neither after the fashion of Mr. Knight nor of Mr. Nowroji. All the same his criticism was often of a trenchant character, because encased in the armoury of indubitable facts. It was this kind of criticism which had made Mr. Sorabji so valuable at the Bench and its Committee meetings. And it was owing to this special qualification that the Government of the day had later on appointed him a member of what has been known as the "Hope Committee." In the present case, Mr. Sorabji in quiet tones asked Mr. Knight whether he was all right in his quotations as to expenditure. Said that gentlemen: "I just want to ask one question, whether he (Mr. Knight) has read the report of the Select Committee appointed on 18th November, 1868, to report on Bill No. 6 of 1868, to authorise the raising of a loan; because in this report I know the paragraphs quoted by Mr. Knight have been disposed of." Here was a fact unchallenged against the bold general assertions of Mr. Knight. The latter had to say that he did not remember them at all! This reply brought forth the following quiet but cutting rejoinder from Mr. Bengalee: "I am sorry Mr. Knight did not know it. I know he charges Mr. Forbes with coming here without full information, and here he is with a want of information on his own part." Having said so much, Mr. Sorabji quoted the paragraphs from the report of the Select Committee which entirely disposed of the specious

defence set up by Mr. Knight regarding the large unauthorised excess of expenditure over income, and to emphasise the covert rebuke administered to the Commissioner by the Select Committee, Mr. Bengalee drew the pointed attention of his colleagues to the following remark: "The remedy for the future must be sought in improved means of collection, and in the real exercise of the checks intended and provided by the Municipal Act." The fact was that there was no doubt as to the excess of expenditure, to meet which the Government of India eventually gave a loan of 15 lakhs. Mr. Sorabji, warming with his argument, continued observing that "if anybody compares the proceedings of that day (1868) with the state of the municipality to-day (1871), it will be a true guide to the conclusion that the municipality has been badly managed."

Having thus neatly disposed of the most crucial points of Mr. Knight's speech, Mr. Bengalee then turned his attention to some parts of the speech of the other publicst, Mr. Maclean. He agreed with a great deal of what fell from that masterful Justice with a biting tongue. But it was pointed out that Mr. Maclean was labouring under a delusion when he blamed the Act for its insufficiency in the matter of checking and controlling the Municipal Commissioner. The Act was all right, but all the difficulties arose from the municipal officials not having sufficient financial knowledge. "Mr. Crawford," remarked Mr. Sorabji, "is very able in many ways, but in financial matters he is very defective; and that is the very thing which has brought us into difficulties, and so long as Mr. Crawford is at the head of the Municipal administration, the same thing will come over and over again." This was the fixed idea in the minds not only of Messrs. Forbes, Nowroji Furdoonji and Sorabji Bengalee but in that of the

majority who constituted the Bench of the Corporation at the time. To make good his point, how improvident and reckless was Mr. Crawford in his finances, Mr. Bengalee instanced the method and manner in which he started the halalcore service. He did so on his own hook, never caring to consult the Bench or take its sanction for the expenditure it would annually entail. The wages which were allowed to each halalcore were indeed exorbitant. It was Rs. 40 per month, which was afterwards reduced to Rs. 20.

In one of the early chapters the reader is informed of the scanty and discreditable system of removing nightsoil in the native town prior to the institution of the Municipality by the Legislature. It was a crying evil to remove which both Mr. Crawford and Dr. Hewlett strove most arduously. It was uphill work for the simple reason that the halalcores were a tribe of monopolists by themselves in the town. There were few of them. They dictated their own terms and often drove Municipal conservancy officers into a corner. Moreover, their strikes exposed the city to great public danger in point of health. Mr. Crawford bravely strove to put an end once for all to the tyranny of these menial monopolists. He scoured Gujerat and Kathiawar to get an adequate supply from there. But it was evident that in the early stages he could only obtain their services at fancy wages. The new class of *halalkores* quickly understood how urgent were their services. Naturally, they demanded high wages. Mr. Crawford was perfectly right, and within his powers and responsibilities, from the sanitary point of view, in ridding the city of the tyrants and their inefficient, nay, perfunctory, service, and replacing it by an efficient and adequate one. But he erred in not obtaining the previou

sanction for his scheme from the Bench. In his zeal for the better conservancy of the town he no doubt overrode the authority vested in him. This was his fault. What enraged the tax-payer was the systematic way in which the Commissioner went about recouping himself for the halalcore service by issuing bills which, owing to the fancy wages allowed, were certainly of a most oppressive character. That was the gravamen of Mr. Sorabji's complaint as to the incompetency of Mr. Crawford in matters of municipal finance. He observed that "a municipal officer, a member of the Civil Service, should know that he cannot tax the people of Bombay and send the police to collect the taxes without having legal sanction for doing so." The result was that for a long time the halalcore tax could not be got, though the service went on and seven lakhs of rupees were lost to the municipality. This was decidedly Mr. Bengalee's Parthian shot at the mismanagement of municipal finance. Having delivered it he sat down amidst the loud applause of his colleagues and the assembled audience, with whom he was a hero along with the two other members of the Reform Triumvirate.

## CHAPTER XXX.

### MR. P. M. MEHTA'S CONSTRUCTIVE SCHEME OF MUNICIPAL REFORM.

WHEN Mr. Bengalee concluded his speech the proceedings of the second day had not been finished. There were yet many speakers all eager to contribute their quota towards the great historical debate. But much did not remain to be spoken which was new. More or less each subsequent speaker rung only a few new changes on the self same tune. The amendments, too, were not striking. However, to proceed. Mr. James Taylor followed Mr. Bengalee. This gentleman commenced his career in the city in connection with the firm of Messrs. Smith, Taylor and Co., who were large booksellers and a branch of the great firm of Smith Elder and Co., of London. They had an excellent establishment, which was carried on for some years in the premises where is now located the Natural History Society's Museum under the fostering care of Mr. Phipson. Mr. Taylor, later on, became Secretary to the Bombay Chamber of Commerce and occupied that position for a long time with great distinction. A level-headed Scotchman as he was, his grasp of economic and financial subjects was not inferior to that of Mr. Knight. But Mr. Taylor did not attempt to go into any new questions. He simply reiterated briefly what Mr. Forbes had stated. "No one appreciates more highly than I," said he, "the ability and the energy of the Commissioner . . . . It is in reference to his spending capacity that we want him brought under a little. I hope he will go first-rate in harness as he now does without it."

Major Payne Barras followed Mr. Taylor. A fine Englishman of the old type, chivalrous and candid, who

entertained not the slightest ill-feeling towards Mr. Crawford, he could not but think him a "most expensive fellow," and, therefore, it was only right that he should be curbed in the way Mr. Forbes suggested. The gallant Major was indeed the most witty Bencher of the time, and many have been the humourous anecdotes related of him at the Corporation, where he often used to enliven the dulness of many a dry debate. But the good Major's contribution on this occasion was next to nothing, even in point of wit and humour.

Mr. (now Sir) P. M. Mehta rose next. His speech was the first important one that he had made since his joining the Bench in 1869, a few months after his return from London. It is no exaggeration to state that at the time he was the youngest member of the assembly, not counting more than twenty-six summers. But he had come fresh from the atmosphere of London and its free institutions. John Stuart Mill was the most prominent practical philosopher of the day and his "Representative Government" was the most popular work. Impregnated with his teachings and equipped with the experienee of local self-Government in England, Mr. Mehta was entirely of a different opinion from all the previous speakers on the subject. His mind travelled in a different direction as regards Municipal reform, and he was not deterred by his youth from submitting his own suggestions on it. With exceeding modesty he began addressing the Chairman as follows :—"It is not without considerable hesitation and diffidence that I rise to offer a few remarks on the propositions that are now before the meeting, unable as I am to agree with the essential features of any of the schemes of Municipal reform that are submitted to us for our consideration." Those schemes, in his opinion, did not possess

even that modicum of reform which he was anxious to introduce. They did not commend themselves to him in any way as perceptibly advancing in the path of the improvement of Municipal institutions. "Both sides," he observed, "are perfectly successful in demolishing the arguments of their opponents, but are totally unable to maintain their own, and to show satisfactorily that their proposals, if adopted, would secure even a moderate settlement of the Municipal question." In the first place, he entirely disapproved of the principle contained in the first part of Mr. Forbe's amendment as to the vesting of all executive power in the proposed Town Council. What marred to a great extent the utility of the English Municipal reform of 1835 was the want of a responsible executive officer. Mr. Forbes was evidently copying the Act which had failed. The only effect of the establishment of his proposed Town Council would be "to substitute in the place of the responsible executive officer a heterogeneous body of men equally powerful, men incapable and difficult of being controlled, and with their responsibility so attenuated, by division and subdivision as to render them practically and really entirely irresponsible." What Mr. Forbes and his colleagues should have aimed at was not so much the destruction of the executive authority, but the construction of some scheme to keep that authority within its proper and defined limits. For such a purpose it was unnecessary to move the Legislature. They all had yet failed to gauge the true feeling of the public on the matter. It was not so much the autocracy of the Commissioner as the wrong system on which Municipal Government had been carried out which had greatly exercised the thinking public. "Indeed, it seems, to me," remarked Mr. Mehta, "that all the schemes of Municipal reform presented to us fail in their

object, because their offerers have not succeeded in proving the real causes of the failure, admitted on all hands, of our present Municipal system." He was convinced that the *radical* causes of the failure of Municipal administration lay in the constitution of the Bench of Justices itself—Justices elected for life! Mr. Mehta then proceeded to analyse the constitution of the Justices of the Peace of the day. After pointing out some of the weak points in Mr. Forbe's speech, he went on remarking that "so far as Mr. Forbe's grievances are concerned, it is not Act II of 1865 that is to blame, but it is the Bench of Justices themselves. The only efficient radical remedy would be to change the constitution of the Bench of Justices in a manner to bring before them clearly, forcibly, and vividly, a sense of Municipal obligation and Municipal responsibility, disregard of which would entail exclusion from it." Mr. Mehta was strongly of opinion that the kind of Town Council proposed by Mr. Forbes and his supporters would be a huge failure. "The only way to bring about a genuine and living spirit of Municipal life in the city was to have a large rate-paying element." "There never will be efficient Municipal administration in Bombay," said he, "till there is a popular and and responsible Bench of Justices, elected at regular intervals by the ratepayers themselves, *a Consultative Town Council elected out of it*, with a responsible executive officer at its head appointed by Government and a Controller of Accounts appointed by the Bench to control the Commissioner."

Here may be seen in its skeleton form the Corporation as it was eventually instituted by Act 3 of 1872. Such was the prevailing scepticism about the capacity of the people of this city to manage their own local affairs, that it was no easy task for Mr. Mehta to impress

on his colleagues the importance of dismissing that scepticism from their minds founded as it was on ignorance of the facts and the history of the past. He made it clear to them that it was in the fitness of things, and in perfect harmony with ancient institutions in the land, that the popular elective element should be introduced into the Government of the city. There was nothing to take alarm at, and nothing to take one's breath away, about the proposal he had made regarding the conferring of Municipal franchise on the rate-paying public. "It is said," Mr. Mehta observed, "that there is a radical incapacity in Indians for representative institutions, municipal or political. A more untrue proposition was never put forward, or one more opposed to the opinion of people most qualified to speak on the subject." Years before, Sir Charles Trevelyan, the distinguished uncle of the great Macaulay, had written a long minute, when Governor of Madras, in which he pointed out, on the irrefragable evidence contained in old Indian History, that the village punchayet had within it the full germs of local self-government, and that the people were as familiar with it in times of yore, (till foreign domination repressed their civic energies) as they were with their "khuska grass"—a fragrant grass extensively growing in Madras which is still used for inducing a cool atmosphere during the hottest part of the year. The late Mr. Anstey had once to speak in London at an important and influential meeting of the East India Association, founded by Mr. Dadabhoi Nowroji, on the subject of representative institutions. A paper was read by the late Mr. W. C. Bonnerji, the most eminent counsel of Calcutta, on "representative and responsible Government for India," Sir Herbert Edwards, a distinguished mutiny officer, being in the chair. Discussion arose on the paper, in which Mr. Anstey took

part. He was the same gentleman who, as member for Youghal, had in the early fifties, hurled more than once his powerful philippics in the House of Commons against Lord Palmerston and his colleagues of the day. Those cu-rious to know more about this eccentric genius may well consult the selected cartoons of "Punch." One of these depicts Mr. Anstey defying Palmerston as Ajax defied lightning. For years he bearded that masterful Minister till Lady Palmerston, well-known for her great diplomacy in matters social, gained him over, and Mr. Anstey was transported, as a happy riddance, to Hongkong as Attor-ney-General. But his proud spirit, and his lion-like inde-pendence, could not brook any official insolence even of the most exalted. He quarelled with the then Governor of that newly acquired British Settlement, and came to Bombay in 1859, where he held his own, well ahead of the rest of his confreres. Sir Mathew Sausse was the Chief Justice and the accomplished Sir Joseph Arnold, his puisne during the last years of what was known as the Supreme Court of Judicature. But this is not the place to recount the history of that eminent counsel whose bones have been peacefully lying interred at the Sewree cemetry for the last forty years.

Mr. Anstey, in 1867, was on a short holiday in London and greatly interested as he was, in seeing the gradual introduction of representative institutions into India, he attended the meeting referred to and took part in it. Both Mr. Nowroji Furdoonji and Mr. Mehta were there too. Mr. Anstey had gone there as a visitor, and not as a member, but the audience called upon him to make a few remarks which he did in a fashion which not only lifted the debate from its narrow groove but carried it to heights sublime and greatly instructed all. He began

by saying that "I had always sympathised very strongly and sincerely with its object, and I believe I can carry my recollection back to the time when I hailed with gratification the formation of the Association, because I saw that it was going to supply a very great deficiency, the non-existence of which—when I stood alone in the House of Commons to advocate the extension to India of those institutions, some of which now exist there, but none of which existed there at the time when I made what was long an ineffectual demand for them—I had so much occasion to deplore." With a vivid recollection of the masterly speech, replete with liberalism, which he had heard at that memorable meeting, Mr. Mehta was not slow to recall it at the time that he was speaking on the question of Municipal reform in the city and suggesting what was the right and proper scheme to adopt, having regard to history and to the fact of the growing progress of higher education in the country. Mr. Mehta quoted the most pertinent extract, which is so historical and otherwise so important that we make no excuse in repeating it here. "We are apt to forget in this country, when we talk of preparing people in the East by education, and all that sort of thing, for Municipal Government and Parliamentary Government, that *the East is the parent of Municipalities.* Local self-Government, in the widest acceptation of the term, is as old as the East itself. No matter what may be the religion of the people who inhabit what we call the East, there is not a portion of that country, there is not a portion of Asia, from west to east, from north to south, which is not swarming with Municipalities; and not only so but like unto our Municipalities of old, they are all bound together as in a species of work, so that you have ready made to your hands the framework of a great system

of representation, and all you have to do is to adopt what you have there and invite the Municipalities to send you their delegates."

This quotation from Mr. Anstey's speech which Mr. Mehta made at the Justices' meeting made no little impression on his colleagues. The authority of so extensively read a personage as Mr. Anstey, who was a profound scholar as much as he was a most eminent barrister, who, in other circumstances, might have risen to the woolsack and added his name to the illustrious roll of English Lord High Chancellors—the authority of such a personage was not to be cast aside light-heartedly. It was a revelation to many of the superficial critics—officials who in their ignorance glibly talked of local self-government as exotic which could never be transplanted into India—that long before Great Britain awoke to civilisation, the punchayet, which is in reality local self-government, was a deep-rooted institution in India and had prospered—a fact to which all savants learned in oriental lore, from Max Muller to Mr. Vincent Smith have borne ample testimony. But the revelation was needed, and Mr. Mehta rendered a distinct service to the city so far, though at the time, of course, his proposals did not find complete favour. But he was firmly of conviction that when the reform took practical body and shape, it would proceed on his lines rather than those of Mr. Forbes and his friends. And he was right in that conviction, as the subsequent course of events abundantly verified. Mr. Mehta, therefore, sat down, with the following concluding observations: "For these reasons, I feel convinced that the time has now come when the Municipality of a town like Bombay ought to be founded on a large popular basis, and that in such bold and decisive measures alone is its real salvation and efficiency."

## CHAPTER XXXI.

### MESSRS. HORMUSJI DADABHOY AND JOHN CONNON AND MR. HAMILTON MAXWELL'S THUNDERBOLT—"THE MUNICIPALITY IS ACTUALLY BANKRUPT."

WHEN Mr. Mehta concluded his speech, the dark shadows of the evening in the crowded hall were a hint to the speakers who followed him that the proceedings must be adjourned for another day. There seemed also to be great impatience among the Justices themselves, but it was held in check by the Chairman. There was time yet for one or two speakers to have their say, and Mr. Hormusji Dadabhoy having "caught the Speaker's eye," so to say, that Justice rose to give two or three excellent rejoinders to Mr. Knight. It is superfluous to say Mr. Hormusji was then the leading pleader in the Small Causes Court. An old but clever scholar of Elphinstone College, Mr. Hormusji was well-known for his polished eloquence. As far back as 1859 he had distinguished himself by making the best speech of the evening on the occasion of the death of Mr. Mountstuart Elphinstone whose magnificent statue adorns the Town Hall. But Mr. Hormusji surpassed himself when, in 1864, he discoursed most eloquently, fervently and with exact knowledge, on the beneficence of the administration of Lord Canning, India's first Viceroy and Governor-General after the assumption of the direct Sovereignty of this country by the Crown. The lecture was delivered in the same hall at which Lady Frere, wife of Sir Bartle Frere the Governor was present. A distinguished audience had assembled to hear from the lips of one of the alumni of Elphinstone College of

those days—the College as it was before the Pre-university period—the Indian view of the ablest Viceroy and statesman who has governed India since 1858. The audience was, therefore, eager to hear the same gentleman once more in the same place. But the burden of his deliverance this time was not the just eulogy of a great and towering pro-consol, but the reprobation of the extravagant conduct of the *facile princeps* of Municipal Commissioners. Unfortunately Mr. Hormusji's voice failed him somewhat on that day, and what he said could not be distinctly heard by a large portion of the assembled audience. It is a peculiarity of the Bombay audience that inaudibility makes them impatient, never mind who the speaker may be, and as the Town Hall, moreover, has been well known for years past for its bad acoustic properties, Mr. Hormusji was at a great disadvantage. Again, his rising late in the evening was another cause of impatience. Mr. Hormusji instinctively took measure of the situation and wisely confined himself to a criticism of two or three points in the speech of Mr. Knight. For instance, he made a "palpable hit" when he shrewdly remarked that Mr. Knight was full of statistics; but it was not to consider these that the Bench of Justices had assembled that afternoon. No. The question before the Bench, said he, was not as to the incidence of particular rates, but as to whether there was municipal extravagance or not. That was the point at issue. On his part, he said, he had come to the hall to vote according to his conscience. He belonged to no party and he had not pledged his vote to either the one side or the other. He sided only with that party which insisted on economy "as an essential ingredient in Municipal Administration." Mr. Hormusji, from his college days upwards, was known to have been extensively

read in Johnsonian lore. Naturally his language was also Johnsonese, though not on this special occasion; but he scored against Mr. Knight when he pointed out to the audience that the phrase which that gentleman had used, namely, that he did not supply the Bench with intelligence but arguments, was not original. It was borrowed from Johnson. It was "a plagiarism," said Mr. Hormusji, and rebuked the valiant editor by saying that he ought not to have quoted second-hand without acknowledging the authority. This caused some amusement. Replying to those who condemned Mr. Forbes' scheme on the ground that it was almost the same which had been previously tried but failed, though now decked out in a different guise, he denied that it was anything of the kind. He was not one of those who thought that it would prove a failure. "The failure of the present system cost 33 lakhs a year, but the previous failures of the Board of Conservancy and the triumvirate Commissioners were not one-third so costly." He pointed out the weakness of Colonel Hancock's amendment and stated that Mr. Narayan Vasudev's amendment was "unmeaning." He would therefore support the original motion of Mr. Forbes.

The audience was getting tired and showed further signs of impatience, but, the next speaker, no other than Mr. Hamilton Maxwell, of the great house of Nicol & Co., disarmed all impatience by saying that he was *not* going to make a speech, but simply proclaim *a fact!* With accent grave, he said: "At this moment the municipality is *actually bankrupt*"! Instantly, as if by magic, there was a great sensation throughout the whole body of the hall. The word "bankrupt" was something that the meanest intelligence could and did apprehend. The poorest in comprehension in the audience was able to grasp its meaning. It was

the right concept for the conveyance to the popular mind of the actual condition of the municipality. A variety of rumours had been afloat; but none dare openly proclaim municipal insolvency. But Mr. Hamilton Maxwell was the partner of a great house. He was a member of the Bench, and a distinguished one, who had taken an active part in its financial deliberations. He was a member of the Finance Committee. Who could inform the public with better authority than he of the real financial condition of the Municipality? The word "bankrupt" seemed to be a winged word. It flew from mouth-to-mouth till the surging crowd, every unit of it, repeated it a few minutes later outside the hall. The town caught the contagion and the Shibboleth was repeated for months together by the man in the street till the Reform Bill eventually laid it low. Meanwhile the sensation in the hall was great. Mr. Maxwell halted for a minute to watch the effect of his words. He looked to the right of him and he looked to the left of him, and he looked in front of him. Having found that the word had caught the public ear, he made an explanatory statement emphasising it. "We have no true statement of its affairs before us, but I candidly believe, that were all the claims brought in, it would be bankruptcy by many thousand rupees . . . Whatever reform you have, let us have control over the Municipal Commissioners (Hear, hear). At present we have none, except that of the Controller who has systematically defied the law." With these portentous words Mr. Maxwell resumed his seat amidst thundering applause. No bencher had put greater fat into the municipal fire, then raging so furiously, than he.

Then spoke up the gallant Captain Henry and interposed with all the candour and the impetuosity of the

Irishman by saying that "the statement of Mr. Maxwell has come upon us like a thunderbolt."

The last speaker on this memorable afternoon was Mr. John Connon, barrister, journalist and Chief Presidency Magistrate. A sturdy Scotchman to the backbone, tall and stately, he was an imposing figure. It was he who, as editor of the *Bombay Gazette*, before it passed into the hands of Mr. Maclean, made it a power and an influence by the public spirit, independence and ability with which he conducted it. His literary reputation was well known, and he was the author of an English Grammar which the great firm of Messrs. Chambers included in their celebrated Educational Series. A kind-hearted Scotchman, he took the greatest interest in the welfare and education of all Scottish children. His purse was always open for the needy and the distressed of his race. It was principally owing to his influence and exertion that Scotchmen owe that handsome school building in the Fort, opposite the Telegraph Office, which bears his name, and where good Scotch educationalists like admirable Crichtons, have, for well nigh 40 years, been sowing the seeds of knowledge and imparting science to their pupils in a manner which has been the theme of so much praise at the annual exhibition of the school. Mr. Connon, however, had nothing new to say. But he took up the parable where his friend Mr. Maxwell had left it. He observed that control over the Municipal Commissioner was necessary. "Great power involves great responsibility." But what did the Government do? At any rate in the case of the Commissioner the power, in fact, unlimited power, was left to him absolutely; but as to the responsibility it was all thrown on the Justices, which was indeed unfair. "By the present system Government exercises all the power, and while throwing round the bench

only a semblance of authority, puts the substantial responsibility upon us, leaving us at the same time with no real power whatever." Mr. Connon then illustrated the attitude of Government by a personal argument. "I suppose I do not disclose any great State secret when I say that the Government of Bombay would not let me rent for a month a house to be used as a Police Court, without their express authority and sanction though it might be only an affair of six or seven hundred rupees. But here it seems they will let the Municipal Commissioner bind us in the matter of a house for ten years to come, and involving an expenditure of more than thirty thousand pounds without any reference to them, and without any reference to us. This may be protection to him but it is no protection to us. I say there is no public officer in India who has such powers as these. The Governor in Council hardly has them." This was hot and strong coming from a Government servant. Officials of Mr. Connon's sturdy independence and public spirit are rare ; and it is this rarity which enhances the value of the services of many an independent European who like him guided the Municipal affairs of the then nascent city in the Seventies. The speech concluded the second day's proceedings, but the battle of municipal reform had to be waged two days more before it could be finished and bring victory to the reformers.

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## CHAPTER XXXII.

### DR. BLANEY AND MESSRS. GREEN AND BUDRUDIN TYABJI—MR. CRAWFORD ON HIS DEFENCE.

THE Bench resumed its proceedings the following day, namely, 6th July, 1871. The principal feature of the afternoon was the popular ovation which Mr. Forbes received on taking his seat. The bankruptcy "thunderbolt" of Mr. Maxwell was undoubtedly the sensation of the town the previous evening; it was the talk of the press, and the talk of the citizens the next morning. His words were still ringing in the ears of the audience. They were only twenty-four hours old and could not therefore lose their freshness. The entry of Mr. Forbes in the hall was the signal of deafening and prolonged cheers, and that gentleman, with natural modesty, blushed at this spontaneous exhibition of popular approval of his lead in the reform movement. It was expected that the proceedings would be finished that afternoon. But Mr. Crawford was on his legs, making a clever defence of all the sins of omission and commission laid at his door. This took up much of the time of the Justices, so that it became inevitable at an early stage that yet another day would be necessary before the battle could come to an end.

The first speaker was Dr. Blaney; he had seconded the amendment of Mr. Forbes, but had reserved his remarks. It is needless to refer to this veteran citizen or to his municipal career. The statue erected in his honour by the citizens of Bombay during his lifetime will bear perpetual testimony to his worth and his sterling services for over 25 years. He requires no introduction to the reader. Long before

he joined the Corporation of the Justices, he had rendered a signal service to frenzied Bombay—the Bombay of 1864-65—which had been seized with the high fever of speculation when the wealth gained in the cotton trade had unstintingly poured into the city. Under the *nom-de-plume* of "*Q in the Corner*," Dr. Blaney, in a series of exceedingly practical letters contributed to the pages of the *Bombay Gazette*, seriously warned the public against the mania which then turned the heads of the rich and poor alike, men and women, old and young. But the warning, of course, fell on deaf ears. It was too late when taken to heart. But "*Q in the Corner*" was really unknown to civic fame at the time, residing as he did in a corner of the busy Fort, (Armenian Lane) but within a stone's throw of the historical ground where the Babel of speculative Bombay was to be heard from morn to eve and past midnight. Thus Dr. Blaney had first played the role of the financial prophet before doffing the garments of the sanitary one.

The good doctor began his harangue by a query—"Is it true or is it not true that this City is in a state of municipal misgovernment?" He trod the ground once more, touching the control of expenditure. The Bench, he lamented, was powerless to control the Commissioner, and therefore, to control municipal expenditure. Even the mover of the original Bill, the Hon'ble Mr. Cassels, with all the caution and the care he took to make this first experiment of local self-government a great practical success, —even he, in the opinion of Dr. Blaney, would have been powerless. He was not there for a party fight. He was there to serve the city. "I speak," continued he, "because there are great and noble interests at stake........ What have we in this Act II. of 1875? It may be com-

pared to a gun without lock, stock or barrel—a gun which is powerful to tax and impotent to control." Much in the same strain was said by Dr. Blaney, and he concluded a well elaborated speech by observing as follows: "Let there be control; let there be responsibility; but let there be Government."

The next speaker was Mr. J. P. Green, who was afterwards raised to the bench of the local High Court. As counsel, he was in fair requisition, owing generally to the soundness of his opinion. Mr. Green was good at drafting also; but as a speaker at the bar he was not so impressive. He always pleaded well, but somehow his delivery was far from what a counsel expecting fat practice at the bar should have. This disability on a public platform or at a Bench meeting is often fatal to the speaker. In the case of Mr. Green it so happened that he spoke on the side which was not in favour with the people. If Mr. Knight defended Mr. Crawford from attacks against his financial management, Mr. Green took up a brief on the same side against much that had been urged from the constitutional point of view. It must be said that his speech was a clever one, just the sort of defence which might be expected from a subtle advocate, quick to detect all the weak small points of the opposite side. Such a defence, however, was lost on the majority of the Benchers, who remained unconvinced; while as to the effect on the popular mind, it was absolutely unavailing. It is the way with the multitude of the market place never to heed arguments, whether weak or strong, which do not harmonise with its opinion. Popular fallacies are as tenacious as popular truths, and when these last hold sway, it is in vain to expect that even the best of arguments and the most persuasive of eloquence could make an impression on the public mind. But

Mr. Green was neither eloquent nor convincing—in fact for the greater part of the time he was inaudible to his own colleagues. As a result, the speech fell flat on the audience who seemed to find great relief when he sat down. The substance, however, of his utterance was to leave the Act where it was. There was nothing to be changed; there were enough provisions in the Act which, if properly attended to, could bring about check and control.

Mr. Vinayakrow Juggonath Sunkersett followed Mr. Green. Though admirably trained and disciplined under his father, who was the leader of the Hindu community for a great number of years till his death in 1865, Mr. Vinayak, somehow, was greatly wanting in backbone. It was difficult for him to make up his mind one way or the other. With much that fell from Mr. Knight he agreed. But he agreed also with much that fell from his friend, Mr. Forbes. "However," observed he, "by adopting his resolution we shall be drifting from bad to worse." He would rather support the amendment of Mr. Narayan Vasudev which was a sort of compromise between Mr. Forbes' proposition and Colonel Hancock's.

Mr. Budrudin Tyabji then a rising barrister, but who later on after a brilliant popular service along with the late Mr. Telang and Sir P. M. Mehta, was elevated to the Bench as the first distinguished Mahomedan of great culture, independence and public spirit, was rather surprised that two such able men as Mr. Knight and Mr. Green held that Act II. of 1865 was all that a good law ought to be. After controverting some of their points, he observed that Mr. Forbes' proposition alone met the crisis created by the Municipal Commissioner. There was in it the germ of the elective principle, which was a great advance. Agreeing with Mr. Mehta, he observed that he was not in

accord with those who were against the limited enfranchisement of the ratepayers on the ground that there were not sufficient capable and public-spirited citizens to come forward and manage their civic affairs. It was essential that Bombay should have a governing body possessed of control and responsibility over the administration of the Municipal funds. At this stage Mr. Maclean having been allowed to modify his original amendment, the Commissioner rose to make his defence, at which the audience pricked its ears and was all attention.

The most interesting stage of the debate was now reached. A most fluent speaker, a master of details, one who could parry a thrust as well as hit hard, and give a Roland for an Oliver, courageous and impetuous to a fault, Mr. Crawford in any other less dignified and deliberative assembly, would have found it difficult to restrain the passions aroused by the strong and influential critics of his administration. But the very excellent example which Mr. Forbes and his supporters from the outset followed in the matter, had some salutary influence on Mr. Crawford. Again, in the person of the unimpassioned and discreet Captain Hancock, he had a friend who was not a little instrumental in further curbing his impetuosity. Accustomed to command, it was no doubt for him a humiliating position to stand as an accused at the bar of public opinion, and hear all the disagreeable things said of his six years' financial management of the Municipality. The feelings of such a personage may be more easily imagined than described. No doubt his own spirit of contemptuous defiance of his critics at the Bench till that time had contributed not a little to the public indignation which was then so openly expressed outside the Town Hall. A little more conciliatory spirit, a

little more courteous attention to those who wished him well, but were anxious in the city's interests to warn him against his heedless extravagance, and it is not improbable Mr. Crawford might have saved himself all the odium and all the censure which was eventually passed on him. But it is of no use saying now what might have been. We have to narrate what really happened.

Tall, robust, and handsome in appearance, Mr. Crawford was in every way an imposing figure. There was no attempt at a set speech. From first to last he went on like a fluent stream, but without accumulating any force as it sped onward in its course. He did not rise to any height of eloquence. Neither was his speech an impassioned one. From first to last, it was purely business-like, and full of details. Of course the native fire and native vigour occasionally broke out whilst contradicting an absolutely incorrect or fallacious statement. But the flash was momentary and would burn itself out in a few seconds.

He began by telling his critics that they need not monopolise to themselves all their regard and solicitude for the poor. It would be ridiculous for them to lay that flattering unction to their soul. He was as much a friend of the poor, if not more, as they. But what disgusted him most and aroused his wrath was the hand, outside the hall, who had been instrumental in dictating many an anonymous letter to certain Justices, intimidating them that if on this occasion they did not do their duty by the poor they would be doomed. With a frown on his forehead he inquired what was the cause of the animus against him? What was "the meaning of those offensive letters being sent to native Justices with the view of insulting them and forcing them to act against their conscience. . . I say this shows that the public mind has not been fairly

worked, hence all this unworthy intimidation and gross misconduct." After this preliminary outburst of pent-up feelings, Mr. Crawford tried to meet the parable of the poor. "I say we are all friends of the poor." By what reason, and on what substratum of facts Dr. Blaney and his friends assumed that he was the *enemy* of the poor? He, the enemy of the poor, when for seventeen long years in every Zilla and every Taluka where his duty carried him he was recognised as the greatest friend of the masses! Burning with a sense of this wrongful accusation, and stretching himself to his full height, Mr. Crawford asked in indignant tones that if *he* was not a friend of the poor, who was? "I challenge any man to prove that charge against me." Evidently, Mr. Crawford had felt hurt at the absurd charge laid against him by a clique of cowardly anonymous scribblers—the tribe of goosequill assassins who have flourished from the days of Pope and his *Dunciad* to this hour—and he allowed all his pent-up indignation, on this account, to escape him on the occasion.

After the discharge of this preliminary volley, he rapidly cooled down, observing that in whatever he had done as Municipal Commissioner of Bombay he only thought of the good of the public, but that he would take all the blame upon himself that might be attached to his conduct. This was open and manly and quite characteristic of Mr. Crawford. No one can deny that in spending money so freely as he did, and for which alone he was charged, he was actuated by the noblest of motives, namely, to make Bombay in every way worthy of her great position and earn for her the renown of the first municipal city in India. Looking back over the long tract of years that has rolled away since he was the city's first Commissioner, one cannot but be wrapt in admiration at the

far-sightedness which prompted him to convert the insanitary city into a model Hygea. None foresaw its future with greater foresight and distinctness than he. And none, therefore, strove more to lay the broad foundations on which it was to rise and expand in the course of time.

So far we would unhesitatingly observe that Mr. Crawford was a Commissioner greatly in advance of his times. And if only he had taken into his confidence the timorous public, which had then just emerged for the first time from the prolonged depression of its own huge financial follies, and had therefore become extremely sensitive to all questions of public funds, he should not only have carried them with him in all his statemanlike projects for the better conservancy as well as the æsthetic needs of the city, but might have been able to spend a larger amount than the one for which he had drawn upon him so much of the wrath of many of its citizens with an economic conscience. But municipal life was still new to them. They had not the faintest notions of its potentialities and none whatever as to the large sacrifices they would have to undergo from time to time as the city expanded and its trade, arts and manufactures developed. It is only during the last few years that people have woke up to the responsibilities involved in municipal life. and the amount of expenditure municipal administration must entail. Never before accustomed to spend so largely as Mr. Crawford did, and insensible, as we have just said, to the right duties appertaining to them, people were naturally considerably frightened. To-day, with better notions about sanitation and conservancy, scarcely a word is uttered as protest against the raising of loan after loan for works of public utility and that of a more onerous character than those which Mr. Crawford had the temerity to raise during the

six years of his historical Commissionership. It was natural and intelligent, therefore, that Mr. Crawford should have the candour and the courage to tell his critics on the day of his defence that, whatever his extravagance in matters financial might have been, he was prepared to answer for it; but that none dare deny that even in his extravagance he had endeavoured to discharge what he considered to be his paramount duty, and what was essential for the greater good of the public. He thus, at once, narrowed the whole issue on which the indictment was hurled against him. He had an answer to give to each and all the serious allegations laid at his door. They were all matters of detail and were given in response to what Mr. Forbes, Mr. Nowroji Furdoonji and Mr. Bengali had submitted to their colleagues. It goes without saying that he succeeded in disproving many of the allegations touching oppressive taxation, unsanctioned expenditure, and the constitutional question of control. But the majority of the Benchers and the public at large were in no mood or temper at the time to accept his justification or defence. There was a predetermination to condemn his financial administration and that predetermination was, therefore, impervious to anything that was urged in vindication. Reform was wanted, and the principal plank of this reform was the control of the Commissioner in his financial vagaries. This idea firmly held the ground and so far all rational defence was only a dissipation of energy in the desert air. This the reader will discover for himself as we unfold Mr. Crawford's *apologia* in the next chapter.

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## CHAPTER XXXIII.

### THE APOLOGIA.

IN his rejoinder on the subject of excessive taxation, Mr. Crawford felt himself justified, after the way in which his policy regarding the levy of halalcore cess was attacked, in giving a lengthy explanation. He contended that both water-rate and halalcore cess were no taxes at all; they were mere payments for services rendered. "A family pays the halalcore cess just as it pays for a bheestie, or a hajam, or a cook." This statement was undoubtedly true so far as Mr. Crawford's Commissionership was concerned. But it should be pointed out that since 1872, the halalcore cess has been made an obligatory payment. The Act enjoins on every houseowner the duty of paying it without an if or a but. Even warehouses and godowns having no water closets or privies are taxed under the plea that as the system of drainage and night-soil has cost lakhs of rupees, and as it involves a few lakhs more per annum for maintenance, it is essential that every owner of property should be subjected to the rate. Practically, therefore, this statutory obligation is in the nature of a tax, and a tax in certain cases, of a most unjustifiable character, which now and again has given rise to litigation in our Courts of Justice. But in the first Municipal Act there was no such obligatory payment, and Mr. Crawford was quite correct in his contention that it was an exaggeration on the part of Mr. Forbes and his supporters to call it a tax when it was a payment for services rendered. Those who chose to engage a halalcore paid for his services; those who did not were not called upon to pay anything. But Mr. Bengalee had

pointed out in his speech that despite the voluntary character of the cess, bills were made extensively on all house owners, and great *zoolum* was practised in collecting them, though the Commissioner had no legal power to act in this manner. It was thus that 7 lakhs were eventually lost to the Municipality by the Commissioner's unauthorised levy and by the extravagant manner in which he in the first instance paid the halalcores. Mr. Crawford was greatly indignant at this allegation which he likened to "a foul blow, a blow below the belt," and which, he must return right between the eyes, because the statement, coming from the quarter it did, was simply culpably inaccurate. This indeed was strong language, but he was prompted by the way in which his accusers had tried to characterise his levy of the cess. Whatever the financial aspect of it might be, and whatever its legal character, the following explanation given by Mr. Crawford, from the sanitary point of view, was certainly correct and unchallengeable. He said: "The real facts are these. Bombay, for a long series of years, had really been under the tyranny of its halalcores. The records of your local courts will show you that these people divided your privies among themselves, and actually sold them. There was a monopoly of every privy; and it came to this, that when the present Municipal Act began to be worked, it was discovered that a poor devil of an occupier who only wanted cleanliness, could not get his privy emptied because these scoundrels would not work themselves or let others work. So strong was the public feeling on this condition of affairs, that a little before the present Act came into force, at a meeting of this Bench, held in the beginning of 1864, for the purpose of considering the revision of the old Act, one of the amendments brought by Mr. Cassels was this: 'That it being in the

opinion of the Bench very desirable that the number of halalcores should be increased, the Commissioner be requested to take the matter into his consideration, and to report thereon to the Bench.' That was in 1864 and matters went from bad to worse. The condition of the town in this respect was alarming. Cholera broke out, and 3,000 or 4,000 persons were carried away by it. When Act II. of 1865 came into force, one of the greatest difficulties we had to deal with was this very halalcore question. We proceeded to do what the Act enjoined for the maintenance of the health and cleanliness of the city, and we found that even when people were anxious to have their places kept clean, they could not, on account of the organised opposition of the halalcores....... It soon became apparent to me that a cruel tyranny would be perpetrated by working the penal clauses of the Act against the public, and that the right thing to do was to get halalcores of our own and do all the work ourselves. But when we had got about a hundred what was the result? That in one single day and without the slightest warning, every halalcore not in the service of the municipality struck work, and for three whole days, the town remained uncleaned. Indeed, there were altogether eight days' night-soil accumulated here! Was that a time, I ask you, for the Executive Officer, on whom the whole responsibility for the welfare and cleanliness of the city depended, and at a moment when cholera was rife, was that the time for the executive officer to sit himself down and count the cost before applying the remedy?"

We have taken the pains to quote at some length this part of Mr. Crawford's defence to inform the reader of the real condition of the city conservancy at the time that the first Municipal Act was passed. Every word of the above,

as stated by Mr. Crawford, was true, and those who may remember the days when the halalcores had set up a monopoly of the privies in the town and tyrannised over houseowners will no doubt bear him out. No better and more substantial service was rendered by Mr. Crawford and Dr. Hewlett to this city than their successful organisation of the halalcore service. If for naught else, for this alone they deserve the warmest gratitude of all Bombay.

No sooner was this explanation given than Mr. Bengalee was on his feet repeating the charge he had made the previous day against the *financial incompetency* of Mr. Crawford in the matter. A somewhat lively passage at arms ensued between the two, both indulging in passionate words. The fat was in the fire, and an explosion was imminent when the good-natured and shrewd Mr. Manisty, a clever and well-known solicitor (first of the firm of Messrs. Kelly, Hore and Manisty, and afterwards of Messrs. Manisty and Fletcher) rose to a point of order and appealed to the Chairman whether the manner in which the halalcore cess was recovered was the subject before the meeting. The Chairman asked Mr. Bengalee to confine himself strictly to the point before the Bench. After a further parley, in which Mr. Bengalee seemed to get excited, owing to Mr. Crawford's saying that his was a misstatement of the matter, the speaker was allowed to proceed with his further observations. It was well known that all love between the two was lost, and that behind the back of Mr. Forbes, Mr. Bengalee was the strongest Bencher. This fact had, on the other hand, greatly vexed the Commissioner, who, therefore, did not miss his opportunity to denounce him and say that he was hitting below the belt.

Mr. Crawford was also very candid as regards the municipal taxes imposed under the Act. He, of course,

repudiated all responsibility in the matter. It was the legislature which was to be blamed and not he. He called the Act a "wretched" one so far. The taxes were no doubt entirely new and the populace chafed under them. Nay, more. The manner of levying them aggravated their vexation till it eventually found vent in this agitation for reform.

The great grievance was the shifting of the burden from the shoulders of the house-owners to those of the poor occupiers. The only item for which Mr. Crawford observed he pleaded guilty was that of rising the housetax from 6 to 7 per cent. But he asked: "On whose proposition was it so increased? It was on the motion of that lover of the poor, Mr. Bengalee!" That again was a hit at which the House laughed, and cries of "hear, hear" were audible in the crowded hall. After having exhaustively analysed the arguments urged against the alleged burdensome taxation, Mr. Crawford pointed out what it was that really made the rating "so singularly objectionable and offensive." He observed, "It is not because in the aggregate it is high, but because the fiscal system itself is an exceedingly faulty one," at which there was a universal chorus of approval from all parts of the hall. He proceeded by observing that the system was introduced "without the least enquiry as to whether occupiers' taxes could be levied in a city like Bombay. I say there never was a greater mistake of the kind made." Had the taxes been made payable under the Act by the houseowners, as was previously the case for years, the number of persons paying them could not have exceeded 14,532. But according to the new-fangled fiscal system bills had to be made out against 153,088 occupiers! No wonder that the bailiffs were let loose on these unfortunates. As many as 18,000 distress warrants had to be issued against those least able

to meet the demand? Mr. Crawford himself confessed it to be a most vexatious system and was anxious to do away with it. "The present system," he remarked, "is the cause of an infinite waste of power, immense expenditure, great oppression, and a very great risk of loss." Here again the Commissioner had touched the right chord in the heart of the Justices and the crowded audience behind them, and there was again loud applause at this perfectly just declaration. To him it seemed that the system was the embodiment of the principle of how not to do it.

Mr. Crawford had not yet finished his defence. He went into all the items of expenditure which were specifically mentioned as instance of his extravagant financial management. He showed by figures how, as regards the conservancy of the town, which used to reek with dirt and filth, and which was otherwise prolific of fever and cholera mortality, the death-rate had been brought down many percentage lower than before, and how far the expenditure under that head had been reduced. In 1865 that expenditure was 7 lakhs; by 1870, it had been steadily brought down to Rs. 4,75,000. Similarly, as to the gross total expenditure of the municipality. It was 45 lakhs in 1865; in 1870 it was 25¾ lakhs. Thus Mr. Crawford was able to show how well the rate-payers' moneys were expended and what solid and beneficent results had flowed from that expenditure. "I state that cleanliness has enormously increased, and in support of that I appeal to those who knew what Bombay was in 1865. To allege that there has been no solid improvement is not to make a generous statement." Then, with a consciousness of the fact of having rendered great service to the city, despite all the angry denunciations hurled at his devoted head, and in a moment of satisfaction at the great changes made in the aspect of

the town he turned towards his accusers and tauntingly remarked: "Ye friends of the poor! depend on it, you very much misunderstand what has been the result of those six years' work, when you bring forward these statements you make for the sake of a little personal popularity, if you think the people here will allow you to revert to the old condition of things."

After having run the gamut of the rest of the allegations, including the heavy expenses for maintaining the famous Panwell brickworks factory, Mr. Crawford referred to the "bankruptcy" argument made use of at the previous sitting by Mr. Hamilton Maxwell. He was greatly surprised at the statement, for he remarked, "if you begin your official year with a sanctioned expenditure of 35 lakhs, and find before six months are over that the budgetted income was less by 5 lakhs, serious financial deficit must be the outcome unless fresh taxation was imposed or the budget expenditure curtailed." He, however, was of opinion that there was nothing to prevent the municipality from "just scraping through the year solvent." After making some further observations on the subject Mr. Crawford brought his speech to a close without any effort at summarising his strong points and without any impassioned peroration. Rather he seemed tired and exhausted at the length of his speech, and, therefore, sat down, leaving the Bench to judge how far the allegations personally hurled against him were justified, and how far the public hue and cry raised against his regime had its origin in the "wretched" Municipal Act of which the most faulty and vexatious part was the new fiscal system introduced therein. The evening shades had prevailed and the Chairman adjourned the meeting till the next day when the protracted proceedings about municipal reform were concluded.

## CHAPTER XXXIV.

### THE FINALE—PASSING OF MR. FORBES'S ORIGINAL RESOLUTION.

FRIDAY, July 7th, 1871, was a memorable day in the history of Bombay Municipal Government. Three protracted sittings had already taken place on the burning question of Municipal reform, including a vote of confidence in the Municipal Commissioner, and the public were in a condition of feverish excitement. Both in the Bench of Justices and outside it, there was a strong feeling that all that could be said on the vexed question had been said with a copious emphasis, and that it was time proceedings were brought to a close. And so they were at the fourth and final sitting, after Mr. Martin Wood had moved a rider and Mr. Forbes had replied to the whole debate. During the proceedings angry, even defiant, words had escaped the lips of the Commissioner who felt himself as uncomfortable as if he had been peremptorily summoned to expiate his past sins of omission and commission. It was natural that, smarting on account of the many hard things said of his financial management, angry words were breathed by him in a moment of indignation, but only to provoke a reminder from the Chairman of the necessity of his keeping in order.

It being the last day, the crowd in the hall was greater even than on the first one. It is no exaggeration to say that it was crammed almost to suffocation. The "Worship Bench" of those days was indeed a formidable body, speaking numerically. The official list counted as many as 700 "Justices," some of whom were supposed to have long

retired from the country, some were away from Bombay, and some had joined the majority. Roughly speaking, there were about 500 resident Justices. But of these, at the ordinary quarterly meetings not even 40 attended, and at times these had to be adjourned after half an hour for want of a quorum! But on this eventful day, which was like unto the Ides of March for the Cæsar of the hour, as many as 125 mustered strong to vote "according to their conscience" which really meant, according to their bias or prejudice, concerning that masterful personage.

Mr. Martin Wood, editor of the *Times of India*, opened the proceedings. He had succeeded Mr. Knight as editor in 1866 and was known to be an ardent advocate of local self-government on the most radical principles. We have already referred to his brochure on the incidence of Municipal taxation in 1868, when the first articulate expression was publicly given to the enormity of the procedure adopted as regards the collection of the local taxes. Mr. Wood was known as a "sound" economist, with a grasp of the first principles of taxation as propounded by Mill and the later economists of his day. As the storm of agitation for Municipal reform brewed, Mr. Wood went on swelling its fierce current in his own paper, well grounded in facts partly supplied by the Forbesites. Though a trenchant writer, albeit heavy and sometimes involved, Mr. Wood never made a good speaker on the public platform. He was the despair of the reporters, such as we had in the days of early reporting of public proceedings, and only a Reed could have followed him and faithfully transcribed his mumblings. He had no voice and used to speak in almost inaudible tones. And as to what he mumbled or muttered, it was not possible even for those sitting within a yard of him to catch. He was a bad speaker, but his speeches

were good, sound and honest, though heavy and lumbering. They always read well in print. On the present occasion he moved a proposition which he requested Mr. Forbes to tack on as a " rider " to his own. He was of opinion that it would tend to harmonise and conciliate the opponents and supporters of the several amendments. In substance, what the rider contemplated was to authorise the Chairman to forward to the Chief Secretary all resolutions relating to the constitution of the Corporation together with the minutes of the Finance Committee and the reports of the sub-committees. His Excellency was requested to appoint a Commission to inquire into the course of municipal administration since 1st July 1865, and examine its present position by the light of the papers just referred to, and advise the lines on which municipal reform should proceed. Mr. Wood then entered into a history of the correspondence that had taken place two years before with the Government and posted his colleagues up to date as to the result of those communications. " Something is needed," said Mr. Wood, after the defence made by the Commissioner, " from which a fresh start could be made." On these grounds he tried to justify his proposition. At this stage some desultory conversation ensued, resulting in appeals to the Chairman for points of order. Mr. Maclean and Mr. Nowroji Furdoonji seemed anxious to have their further say on the amendment. The patience of the Chairman was greatly taxed and he had to interpose by making the following observation : " We shall never get through our business if each member speaks three or four times." Eventually Mr. Nowroji had his way and he " submitted " (a stereotyped phrase with that redoubtable Bencher) for the dozenth time his " further observations " on the subject before his colleagues. Again

Mr. Scoble observed, "I hope Mr. Nowroji will be good enough to remember that this is the third adjournment that we have had, so that I hope he will be as brief as he conveniently can." To this Mr. Nowroji replied: "I will undertake not to detain the meeting longer than is absolutely necessary." The point to which he desired to draw the meeting's attention was this. The Government had been previously asked to appoint a Commission of inquiry as suggested by Mr. Wood, but it declined. Was there any chance to think the Government was in a better mood to give one at this juncture? In his opinion it would be fruitless to approach it with this proposition. The best plan would be to forward Government the final resolution the Bench might arrive at along with the speeches of members! The Chairman tried here to cut the ground from under the feet of Mr. Nowroji by interpolating that under any circumstances the speeches will accompany the resolutions. Some further inconsequential parley ensued at which everybody was impatient. Cries rose from various quarters for "Mr. Forbes for a reply." Eventually, Mr. Forbes rose to answer on the whole debate. Somehow he did not make any impression. The speech, though full of details and an elaborate attempt to reply to some of Mr. Crawford's statements, was not equal to his opening one. In all probability he felt the pulse of the meeting and of the audience who were anxious without a further spinning of the same yarn to see the end of the debate. There had been already 26 speeches on the subject! So Mr. Forbes was somewhat discursive and inconsequential, though during the course of the remarks Mr. Crawford once called a statement of Mr. Forbes, that if anybody wanted to be a J. P., he had simply to be a friend of the Commissioner, as "untrue" and a "falsehood." The n

later on, at the very fag end of the speech, there was another little explosion. Mr. Crawford could never brook the editor of the *Times of India*, and while offering a personal explanation, attacked him by saying that a particular report attributed to his pen was "the most muddle-headed thing" that he had read, provoking a call to order on the part of the Chairman. The debate thereafter was soon brought to a close and it became the duty of the Chairman to put the proposition and amendments to the vote. The audience was on the tiptoe of anxiety. It stood with bated breath just as it would in a great criminal case to hear the verdict of the jury. It was inconvenient to take the votes in the body of the hall. So the Justices withdrew to the Durbar room, where after two or three experiments as to how the "ayes" and the "noes" should be separated, it was resolved to send the "Haves" and the "Have nots" to the ante-room on each side of the Durbar room. The procedure adopted was somewhat different from what has been in vogue for many years past. Instead of the last amendment being put first, the first amendment of Captain Hancock was pitted againt the original proposition of Mr. Forbes. And when the first was carried by 69 votes against 56, it was put to the vote against the second amendment, and so on. Eventually Mr. Wood's amendment was carried by 81 votes against 43. It may be of interest if we recall the names of the leading Indian Justices who voted for the original proposition of Mr. Forbes :—

Dr. Atmaram Pandoorang.*
" Bhau Daji.*
Mr. B. M. Wagle.*
" Bomanji Jeejeebhoy.*
" Budrudin Tyabji.*

Mr. Cumrudin Tyabji.*
,, Cursetji Rustomji Cama.*
,, Dadoba Pandurang.*
,, Govind Vithal Karkari.
,, Gunputrao Mr. Pitale.*
,, Hormusji Dadabhoy.
,, Harichund Sadasev.*
,, Kandas Mancharan.*
,, Khanderao Chinanrao Bodarkar.*
,, M. G. Ranade.*
,, Nanabhoy Haridas.*
,, Nana Moroji.*
Dr. Naraiyan Daji.*
Mr. N. M. Parmanand.*
,, Nowroji Furdoonji.*
,, P. M. Mehta.
,, Shamroo Pandurang.*
,, Sorabji Jamsetji Jeejeebhoy.*
,, S. S. Bengalee.*
,, Vishwanath Mandlik.*
,, Vurjwrandas Madhevdas.*

Thus ended the historical debate. The first step was decisively taken, but a great struggle had yet to be made to coerce an indulgent Government, who were most anxious to condone the faults of their first Municipal Commissioner and throw cold water on the popular agitation, before the reform could be achieved. How it was eventually achieved, will be the subject of subsequent chapters. But there is not the slightest doubt that the agitation successfuly awoke the civic spirit and kindled the municipal spark which was since burnt as a steady flame despite many subsequent gales.

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* Since dead.

## CHAPTER XXXV.

### PROTEST AGAINST MR. ARTHUR CRAWFORD.

THOUGH the protracted debate in the Bench of Justices, was over, and though Mr. Crawford had made his best effort to explain away the larger number of the financial delinquencies laid at his door, popular excitement did not abate. Agitators in the press continued calling for some decisive step on the part of the Government to extricate the municipality from the shackles of indebtedness incurred by the Commissioner, and placing it on a sound and healthy footing. The *Times of India* was most prominent in forcing the hands of that authority to do something to allay the popular feeling which was daily growing more and more indignant at its indifference. The Governor, Sir Seymour Fitzgerald, was earnestly appealed to. The press observed that for three long years the scandal of financial extravagance had been allowed to go on unchecked. It was alleged that an interested few had been active in arresting "the mismanagement and reckless expenditure of the Commissioner."

At last the Government was obliged to take action. It appointed a Committee to make an exhaustive inquiry into municipal finance and make its report. It consisted of Mr. (now Sir Theodore) Hope, then Collector of Surat, Dr. Cline, the Assistant Accountant General, and Mr. Sorabji Shapurji Bengalee. By October 1871, their report was made. The principal facts disclosed by the investigation may be briefly summarised. The Committee showed that the 15 lakhs loan would have cleared off the deficiency

minus a lakh and a half, but for the fact that Mr. Crawford incurred a fresh debt to the extent of 6½ lakhs on the construction chiefly of the Arthur Crawford Market. This was in 1869. In the following year things went worse by another 1¼ lakhs. There might have been a recovery of 2 lakhs, but the costly market absorbed another 2½ lakhs. For 1871 there was a further drain made on the municipal treasury, and altogether the Committee were of opinion that the deficiency would in the aggregate amount to Rs. 7,10,796. This report was the subject of renewed criticism. It was pointed out that the Government could no longer plead ignorance of the financial situation, though as a matter of fact, had it chosen, it might have had the investigation which was forced upon it by the stress of indignant public opinion, any time within the three years since it began to leak out that the municipal treasury was in an embarrassed state. The *Times of India* was scathing in its remarks. It said: "They (the Government) now know, and all India knows, that the law has been violated by our municipal officers, formal restraints have been systematically spurned, unathorised expenditure has been incurred and concealed to a serious extent, the public creditor has been placed in jeopardy, costly outlay has been promoted without anything approaching to adequate results, while many most needful works of civic improvement remain in abeyance, and the people of this most populous city in India, where modern corporate institutions might be expected to work best, have been disgusted with the very name of municipality to such an extent that years must pass before the requisite spirit and confidence of co-operation can again be evoked. If the Government of Bombay, in face of this, desire to retain in office a man whose characteristic boast it has been that he was 'respon-

sible' for everything done, then Sir Seymour Fitzgerald and his colleagues must be prepared for a struggle with the Government of India and the Secretary of State which will not conduce to the prosperity and glory of the Presidency." This was hot and strong, but quite a faithful echo of what was said in the English and Indian communities, in every club, and by the man in the street. The populace would not rest content till Mr. Arthur Crawford was removed from his post. There was sound and fury enough in the city after the Hope's Committee's report. The people inquired, "what next? What has Mr. Forbes to say on the report? Is he going to address the Government and point out how far the agitation of July and the debate in the Bench have been vindicated!" On 23rd October 1871, Mr. Forbes, prompted by the strident voice of the rate-payers, had to take up his pen and once more exhort the Government to do its duty by the citizens, to relieve the embarrassed treasury, and to take early steps to put the municipal house in order. The following extract from his letter will indicate the general drift of his appeal: "All that is asked is—permission to occupy for a year or two an empty building; the loan for a few months, without interest, of a hundred thousand pounds, and lastly, what is cheapest of all, though, perhaps, of the most vital importance, the cordial support, and more especially, the *immediate intervention* of Government in clearing the town of a great scandal, and organising an enterely new system of municipal administration."

This cry was again taken up by the *Times of India*, which had all through indentified itself with the rate-payers. It observed that the Bombay Government has been in a fog long enough about municipal affairs and the only way out of it was to take some such sharp decisive step as

suggested by Mr. Forbes. The Collector of Bombay was suggested as the functionary who ought to supersede Mr. Crawford. The Government was exhorted to show its substantial goodwill towards the municipality by providing it with adequate accommodation, free of charge, for a time. In brief, the earnest exhortation was that inasmuch as it was the Government that had created the Municipality and "allowed it to drift among the shoals," it "was bound to use its utmost effort to extricate the unfortunate craft." The storm was yet to increase before the calm, meanwhile other events had occurred, of a more sensational character than the four days' historical debate on the Bench of Justices in July 1871. But their narration must be reserved for the next chapter.

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# CHAPTER XXXVI.

MR. P. M. MEHTA'S LECTURE ON MUNICIPAL RRFORM.

WE have related the two important events which followed the four days' historical debate in the Bench of Justices. The Committee of Inquiry, of which Mr. (now Sir Theodore) Hope was the President, went to the very root of Municipal finances from 1865, and brought to the surface the actual liabilities for which the Municipality was responsible at the date of the framing of its report. That report, in its turn, led Mr. Forbes to follow up the debate and the two petitions presented to the Government by the ratepayers, by a long letter to the same authority, in which it was strongly urged to extricate the Municipality from its financial embarrassments and place the future administration on a sounder and more economic footing. This was done in October 1871. But the public agitation had in no way undergone the slightest diminution. The leaders of the Ratepayers' Association kept the fire burning with unwonted heat and energy, being no doubt well supported from behind by Messrs. Nowroji Furdoonji and Sorabji Shapurji. There was a determination that Mr. Crawford should, after the revelations, be no longer allowed to hold the reins of the city's ædileship. At this distance of time, it cannot but be said that there was in the agitation a great deal of personal rancour, which was not a little aggravated by the defiant attitude of that masterful Commissioner towards the prime movers of the agitation. But, of course, in all such civic strifes, party feelings are inevitable when the struggle is at its fiercest.

If the *Times of India* kept the fire of agitation burning in its own columns, there was its new rival, the *Star of India*, edited by Mr. Knight, which was not slow to bring out the other side of the picture from day to day during that eventful period. Thus, it could not be said that Mr. Crawford and his supporters were unrepresented in the Press. In the person of Mr. Knight he had indeed a most fearless and gallant advocate. If the *Times of India* fired heavy broadsides, the *Star of India* was quick to respond by the discharge of its own mitrailleuse into the fallacies of its rival with great effect. But at this very critical juncture, Mr. Perozsha M. Mehta felt it his duty to instruct the public which was carried away by the heat of the strife. He had no doubt conceived the excellent object of allaying the agitation and reducing it to its due proportions by holding the scales even. Attached to no party, but interested solely and exclusively to secure to the city a better Municipal Government such as Mill and others had, years before, aimed at in England, he courageously undertook to give a lecture on Bombay Municipal Reform in the hall of the Framji Cavasji Institute. It was indeed a bold enterprise for a young man of twenty-six to give counsel to his seniors, and pour forth words of practical sagacity in their ears. But Mr. Mehta had even at that age firmly grasped the first principles of local self-Government and understood how the people should be allowed to manage their own civic affairs. We have already stated what his own scheme was. Though it did not commend itself the grave seigneurs of the Worshipful Bench, he was still on the side of those who were anxious for a reform. He voted with the Forbesites. He was convinced that Municipal Government could only be successfully carried out on the broad foundation of popular representation. The divers propo-

sals made during the July debate fell far short of his own ideal. None had the temerity to suggest that popular Municipal Government was possible and practicable only when those who contributed to the Municipal taxation were allowed a paramount voice in the management of the city's affairs. This cardinal principle was scarcely mooted. Hence he deemed it advisable to betake himself to a wider platform in order to ventilate his views and make it clear to both sides, how and in which direction Municipal reform should proceed. Thus it became essential to change fundamentally the very constitution of the Municipality. The Forbesites had only a palliative to suggest, which, had it been relied on, would never have achieved the good object they had in view. They did not go to the root. Somewhat timorous of a Government, at whose seat no doubt the most chaotic of conservative views were predominant, they were not quite prepared to demand a radical reform which was the only one that could conserve the financial interests of the ratepayers. They feared lest it might be considered unreasonable. Hence they were content with demanding homœopathic relief only. But the condition of affairs doomed such a treatment to failure. It could not bring the needed cure. A specific radical remedy was called for. Mr. Mehta, with a truer instinct of the real needs of the city, was the only Justice who suggested such a remedy. It was not only practical but statesmanlike. He, at least, was not deterred by any sense of fear, from putting it in the foreground, for his experience in England and his knowledge had deeply convinced him that it was the only safe road toward the better government of the city's affairs in the future.

Strongly imbued with this conviction, he courageously undertook to propound his views in a well-written and

well-considered paper, which might be read with interest and profit even to-day.* With that view he mounted the platform of the F. C. Hall, on 29th November 1871. Ostensibly, it was a paper read before the Bombay Branch of the East India Association ; but in reality it was a lecture to the public at large. He candidly acknowledged at the very outset that Mr. Forbes and his supporters deserved "great credit for their opportune boldness in coming forward to give expression to the popular feeling on the subject, and constituting themselves the leaders of a Municipal reform agitation." They also deserved "great credit for the energy and earnestness with which they brought the whole subject of Municipal affairs for review and discussion in a formal and public manner." But he observed with regret that, despite all energy, persistence, and earnestness, they lacked that practical wisdom and farsightedness which were so essential to the achievement of the object they had at heart. The leaders of the reform seemed to have fallen short of their higher duty which consisted in "guiding and rolling the movement in its proper path, of extricating it from the confusion of words and thoughts, of analysing the genuine and substantial causes of it, of discovering and proposing measures well adapted to meet the end in view." In their onslaught in the Durbar room on the unlucky Commissioner, they seemed, in Mr. Mehta's opinion, to have followed the tactics of the Communists in Paris, who were so much in evidence after the disaster of Sedan. The reformers were so blinded by their partisan spirit—and that, we must ruefully acknowledge was the one element which marred the disinterestedness of their movement—that they did not care to dis-

* It has been lately reprinted and copies can be had at the *Bombay Cronicle* Press.

criminate between what they attacked or what they proposed, "so long as they overturned what they hastily considered the most obnoxious part of what existed." With this preface, Mr. Mehta proceeded to set in a proper light the condition of the city, especially as regards conservancy and water supply, as it existed before the Act of 1865, and the beneficent change which was wrought therein during the six years after the introduction of that legislation. We have already described the two conditions in our previous articles, and would, therefore, refrain from reiterating them here. To Mr. Pherozesha Mehta the difference was striking indeed. He had left for England fully six months before the Act was passed by the Legislature, and he had returned when Mr. Crawford and Dr. Hewlett had cleaned the Augean stable of its accumulated filth of half a century, and performed other miracles in conservancy and so forth. He was able to mark the contrast without prejudice between the deadly state of affairs at one period, and the marvellous sanitary conditions at the other, and form his own judgment of the value of the remarkably good work which the genius and unbounded energy of the city's first Commissioner had brought about. Mr. Mehta had no hesitation in according his unstinted meed of praise for all that had been done. Said he: "The wonderful transformation of the Bombay of 1865 into the Bombay of 1871 deserves in the main to be emphatically proclaimed. Mr. Crawford was its saviour and benefactor. He might have been guilty of great faults, committed great errors, and defied all restraints, forms and formulæ whatsoever. But on these conditions only could the work have been accomplished, and their memory must in justice be lost in the general successful result. It is exactly like the case of the general who, in the desperate hour of the bat-

tle, defies his strict orders, relies upon his own judgment, and gains the victory. Death, the just punishment of his insubordination, if he had failed ; a grateful act of indemnity the reward of his successful intrepidity."

Having acknowledged the value of the eminent services rendered to the city by Mr. Arthur Crawford, despite his many errors, for which there were abundant extenuating circumstances, Mr. Mehta asked his audience calmly to consider the allegations of ruinous extravagance in expenditure, which were, so the reformers said, not at all proportioned to the result. He asked them to view the whole matter in a spirit of fairness. It would be unjust, indeed, to the Commissioner to single out works here and there ; to point out that a little economy might have been practised here and a little saving effected there. But he rightly remarked, " It is one thing, even in ordinary times, to ascertain the costs of works before they are finished, and another to criticise by the light of past experience.' Mr. Mehta then entered into the details of the financial question, round which there had been waged such a powerful battle at the Bench of Justices, illustrating his points by making pertinent references to expenditure in Paris and New York. He also went fully into the figures revealed by the Hope Committee, and admitted the grave errors of Mr. Crawford in plunging municipal finances into a condition of embarrassment and concealing the fact, for a time, from the Bench. Mr. Mehta in no way endeavoured to minimise the gravity of these errors ; but he appealed to his hearers to forget them in view of the fact that Mr. Crawford had steered the city safely through a supreme municipal crisis which had threatened the very life and existence of the population. We have already referred to that crisis, namely, the strike of the original halalcore

monopolists. "Are we to forget, in our day of safety and prosperity," asked Mr. Mehta, "that he has in so short a time driven disease and death from our doors where they were such constant visitors before? Are we to forget, that if he has touched our pockets too closely, he has put us in a position to enjoy what we have left, in comfort and safety. Nay, that in the case of the poorer classes, by improving their chances of health and vigour, he has removed the continual drain which sickness and want of health cast indirectly upon their pockets, and actually supplied them with the means of fighting more vigorously for their livelihood." Mr. Mehta was so convinced of the invaluable service rendered to the health of the city by its first Commissioner that he was quite sure that when all the angry passions and strife of the hour had cooled down, and the memory of the unhappy struggle had passed away, the ultimate instinct of popular judgment would assert itself and an impartial and grateful verdict will honourably embalm the name of Arthur Crawford in the annals of municipal administration of Bombay as its founder and saviour. Forty long years have since rolled by, and the plague conditions prevalent in the city tell the older residents who had personally witnessed the good sanitary work of Mr. Crawford and Dr. Hewlett, what might have been done.

Coming now to the constitutional part of the lecture, it may be observed that Mr. Mehta really took a broad and statesmanlike view of the whole situation, which unfortunately, at the time, was disregarded, though luckily for the city it was eventually accepted. Mr. Forbes and his supporters were for the overhauling of the first Municipal Act; but every fact and argument which they urged only proved that it was not the Act which was at fault

save in a few minor points of no particular significance whatever. The fault lay only in the *constitution* of the body by whom it was to be enforced. The debate brought to the surface one fact as clear as the noonday sun, that the Bench of Justices was a body utterly incompetent to carry on municipal government under a constitutional regime. There was nothing in the mode of election to awaken an active sense of municipal duties and municipal responsibilities. Again, there was no guarantee for a judicious and well proportioned choice in this mode of election. Thirdly, the Justices were elected for life. Thus by the very conditions of its existence the Bench, as organised, was insufficient for purposes of municipal administration. Mr. Mehta did not mean to disparage a single individual Justice. What he wished to urge was that as a Corporation it was not competent to carry out the Act.

It was the system that was at fault, and it was the system which, therefore, required to be overhauled. The only remedy which experience and history taught was active and successful Municipal Government. How was that to be attained? Mr. Mehta observed, "That remedy is *the introduction of the free representative principle* in the constitution of the municipal body." After making references to Mill and Macaulay for their able advocacy of such institutions, Mr. Mehta further enlightened his audience by informing them how from time immemorial the East, specially India, has been the parent of representative institutions. In the village Punchayet were to be found all the germs of it. He referred to the observation of Mr. Anstey on the subject, the same to which allusion has been made in a previous chapter. In India, caste organisation, with its respective Punchayets and Mahajans, incrusted

deeply in the very heart of Hindu society, and leaving no portion of it untouched, "is one vast and continuous chain of local self-governing groups." Mr. Mehta then went into a learned disquisition on the subject, establishing the point by quoting authority upon authority from Elphinstone to Sir Henry Maine. After quoting them, he observed that "we may now take it as established, that if historical analogy and experience are to guide us in this matter, they are strongly and uniformly in favour of the wisdom and expediency of conferring the municipal franchise on Indian towns." But it was alleged that Indians were not ready for such a franchise. Mr. Mehta controverted this argument. Taking the case of Bombay city itself, he pointed out the active part which its citizens took in the agitation of municipal reform, and the way in which municipal work has been done on the Bench. "Without proper guidance, instruction or organisation, they have discussed municipal questions, prepared petitions, formed ratepayers' committees, held public meetings and passed resolutions. For these and several other reasons it was obvious that Bombay was a city pre-eminently fitted for the introduction of a municipal representative body, *elected by the rate-payers themselves.*" Here, the suggestion of Mr. Mehta differed from that of the other reformers. While the latter were all for simply tinkering the Bench or the Act, he was for creating a new municipal body, the cardinal principle of which was full representation by the ratepayers. If the people were to manage their own civic affairs, it was right and proper to give them authority to do so. That could only be done by the ratepayers themselves choosing their own representatives to form the body municipal which shall carry on municipal work. "Instead of proposing a comprehensive measure," said Mr. Mehta, "securing such a

thorough radical reform, the leaders of the present reform agitation have brought forward a remedy which might well make us exclaim, 'Heat not a furnace for your foes so hot, that it do singe yourselves.'" Even with a Bench organised on a popular basis, the vesting of the executive authority in a Town Council would be a retrogressive step, plunging the municipality into a gulf of mismanagement, inefficiency and jobbery. Hence, he remarked that the only safe and efficient way of disposing of the executive authority is to vest it in a single responsible officer. Town Councils, with executive functions, have proved gigantic failures and centres of jobbery in England, and it was astonishing, a council of that character should have been seriously proposed to manage municipal finance. The remedy would be worse than the disease, and Mr. Mehta exhorted his audience to desist from entertaining so preposterous a scheme. If real reform was to be secured the executive functions of the Municipality must be entrusted, under the control and guidance of such a popular representative body as we have described, to a single responsible officer, otherwise, it would be reform with a vengeance to set up King Stork in the place of King Log—a hydra-headed Town Council in the place of a single executive. Mr. Mehta concluded his lecture by assuring the reformers that they had a splendid opportunity "to earn the eternal gratitude of the town, by acquiring for it a really efficient municipal organisation, and inaugurating a system fraught with the fairest promises of a great political development."

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## CHAPTER XXXVII.

### THE LOAN BILL AND THE INEXORABLE GOVERNMENT OF INDIA.

THE debating stage of the reform of the Municipality may be observed to have come to a close with the paper read by Mr. P. M. Mehta, to which we have already referred. With the opening of the new year, 1872, everybody seemed to be anxious to turn over a new leaf. It was agreed that the departure should be from the academical to the practical. The worst had been known. The Committee presided over by Mr. Hope informed the public that its worst suspicions were confirmed. Mr. Forbes, as we have already observed, appealed to the Government that in response to the general wish of the rate-payers the disordered municipal finances should be placed on a thoroughly sound footing by the loan of "a few thousand pounds." The Government had no alternative but to respond to that practical appeal. Between October 1871 and January 1872 correspondence had to pass between the Government of India and the Government of Bombay with regard to sanctioning a loan of 15 lakhs, the amount necessary to set right the civic finances. The Government of India was, in those days, stern of mood in financial matters, and as far as Bombay was concerned, it was extremely vigilant. Sir John Lawrence could not have kept a better watch and ward over that Government after the way in which it was mixed up with the stock speculations of 1864-65, and after the extravagant limits to which it ran up the bill for the construction of the new Government House at Ganesh Khind, which Sir Mountstuart

Grant Duff characterised in Parliament as a "shooting box." And yet this palatial "shooting box," which was originally estimated to cost the modest sum of 5 lakhs, was run up to 15! Many were the warm exchanges of correspondence on the subject during the time of the economic Sir John Lawrence. While he sat like a vigilant watch-dog over the Imperial Treasuary, Sir Bartle Frere, with most luxurious notions of a "prancing pro-consul," was never happy unless he over-ran his own constable and constantly knocked at the door of the central authority for money for all sorts of things, especially for palatial public works. Hence a very tight rein was kept over the financial doings of the Bombay Government. The first scheme of decentralisation had just been put into practice by Lord Mayo, who knew what a reputation the Bombay Government had for the management of its finances.

Under the circumstances, when the local Government asked for sanction to raise the necessary loan of 15 lakhs for the municipality, it was determined to drive a very hard bargain which was, of course, most unpalatable to Sir Seymour Fitzgerald and his colleagues. The most important achievement of the Government of India in this respect was the imposition on the local authority the obligation to obtain its sanction before raising any loan for municipal purposes. There had been a standing order up to then that the three presidencies were free to raise loans on their own responsibility, without the previous sanction of the Central Government. But it was now resolved, so far as Bombay was concerned, that its wings should be cut by not allowing it to borrow a rupee without previous sanction. This was the bitter pill which the Government of India insisted that the Bombay Government should swallow before it could be allowed to raise a pie of the loan. Of

course, it made a stern remonstrance, but had to submit to the proposal and eat humble pie, all for the sins of omission and commission of the Municipal Commissioner at whose financial vagaries it had winked so long. All that, therefore, remained for the Government of Sir Seymour, was to introduce the Bill for the raising of the loan.

Accordingly, on 30th January 1872, the Hon'ble Mr. E. W. Ravenscroft, Chief Secretary to Government, introduced the Bill into the Legislative Council. Mr. Tucker, Mr. Mansfield and Sir Augustus Spencer were the three members of the Executive Government. The non-official Indian members of the Legislative Council were Mr. (afterwards Sir) Mangaldas Nathubhai and the second Sir Jamsetji Jeejeebhoy. Besides, there were Col. Kennedy and Mr. Scoble, the Chairman of the Bench of Justice.

The Bill was called No. 2 of 1872. In introducing it, Mr. Ravenscroft observed that its object was to secure payment to Government of certain sums of money by the Corporation of the Justices of the Peace for the city of Bombay. He began by saying that it was not necessary to go into any details of the causes which had led to the state of embarrassment into which Bombay had been allowed to drift. Mr. Ravenscroft greatly regretted it, and referred to the report of the Hope Committee, which pointed to the deficit of 15 lakhs. He proceeded by saying that at the same time it would be necessary to pay the penalty which the extravagance and mismanagement had entailed on the Justices, the Municipality and the Government. The Chief Secretary mournfully observed that the Government of India, to whom the question was referred, laid down as one of their stipulations for the granting of this loan, that this Council should cancel all the existing borrowing powers

of the Municipality, leaving it, should it require a loan, to obtain it under conditions and subject to the stipulations of Act XXIV. of 1871. This was a great blow to the previous financial independence of the Bombay Government as to borrowing power. The meaning of the stipulation was that the municipality in future should go to the Government of India for loans instead of to the local Government. Act XXIV. of 1871 seemed to have been specially framed by the Imperial Government with the deliberate intention of depriving the Bombay, Calcutta and Madras Municipalities of their privilege. Mr. Ravenscroft explained to the Council as follows: "The action which the Government of India have thought it proper to take, places the three municipalities of Bombay, Calcutta and Madras on altogether different footings. It allows the latter two to retain the liberty they at present enjoy—of going to their own local Government—whereas it takes the same right away from the Municipality of Bombay." It was hard lines for Bombay and the punishment meted out was perhaps not unjustifiable. Mr. Ravenscroft, on behalf of his Government, seemed to have gone into tears over the deprivation of this privilege. For he mournfully informed his colleagues at the Council table that it was practically saying that Calcutta and Madras may be trusted, while for its extravagance and imprudence Bombay must be deprived of a privilege it has enjoyed up to this time conjointly with the other municipalities. "I know," said he, "that this withdrawal will grate most harshly upon the feelings of our most worthy citizens, and will cramp energy and cause delay." So the inevitable had to be submitted to, as the Government of India was inexorable. Practically, the Justices were told that either they must find the money themselves as best they could for getting

out of their debt, or accept the terms imposed ; there was no way of getting out of it, and the pill had to be swallowed. The Chairman of the Corporation, in a dejected spirit, put the question whether an expression of opinion of the Bench had been taken on the proposal. He was curtly informed that the opinion expressed on its behalf by the Committee was enough. The Hon'ble the President wound up the debate by informing the disconsolate Chairman that there was some hope of retrieving the lost privilege. "I may say that I am not without hope," said Sir Seymour Fitzgerald, "that the Government of India, when the earnest but respectful protest which we have felt it our duty to make is presented, will re-consider the determination and relieve the Municipality of Bombay from what the Hon'ble Mr. Tucker very justly calls the invidious as well as onerous conditions which they have thought fit to impose." After applying this balm to the afflicted soul of the dejected Chairman, the President wound up the first reading by the following words of practical wisdom : "The money is wanted, the interest is accruing day-by-day at an exhorbitant rate ; and therefore it appears to me necessary for this Council to pass an Act such as is now before us, and rely upon the forbearance and consideration of the Government of India to relieve the municipality from the conditions which they threaten to impose." After this the "unpalatable Bill," as Mr. Sçoble remarked, was consigned for further consideration to a Select Committee. But it was destined that its course should not run smooth. There was great friction later on, which will be learned from the sequel.

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## CHAPTER XXXVIII.

### PASSING OF THE LOAN BILL AFTER A GALE.

THE Select Committee having made its report on the Loan Bill, though not without much difference of opinion, and something more besides, as to the method of repayment by instalments, it was brought up for the second reading, on the 8th February 1872. Evidently, the Justices were much exercised during the interval, and the more sensitive section seemed apparently to have been hurt by the way in which the Government of India had endeavoured to cancel the borrowing powers conferred on the Bench of Justices by Act I. of 1865, exact its own terms, and deprive them in the bargain of the privilege about which so much had been said at the first reading by Mr. Ravenscroft. The Justices had also a grievance in that they were not as a body consulted on the proposals of the Imperial Government. Both the Chairman, Mr. Scoble, and Col. Kennedy, one of the energetic members, had a mandate, so to say, from the Bench to vigorously oppose the second reading. It was not unnatural that the Justices should smart under the apparent contempt with which they were treated. They resented the procedure and wished their chief spokesman in the Legislative Council to fight strenuously against such treatment. But the poor Justices little knew the might of the Caclutta authorities, who, no doubt, had a pique against ambitious Bombay, which even then was flapping its wings to soar aloft.

This being the situation, the Hon'ble Colonel Kennedy set the ball rolling by observing that he opposed the second

reading. The storm was not unexpected. That masterful engineer was a tough client to deal with. He had a will of his own and knew how to enforce it. But, of course, at the present moment he was in a hopeless minority. He tried to make a plucky fight, supported by the Chairman of the Bench of Justices, but failed. He observed that that body had, by a formal resolution, decided not to accept the Bill clogged with the conditions which the Government of India wished to impose. He complained that the Committee had no power whatever to agree on its behalf, that the loan should be accepted on the terms, imposed by the Central Government. "If it were that the Bench desired its own humiliation, there would be nothing more to say, but it certainly was not clear that they did so." Moreover, the gallant Colonel was not quite sure of the legal aspect of some of the Sections of the Bill. His contention was that, in reality, moneys were expended from current revenues on permanent works. Hence the Justices could, under the powers conferred on them in the Act, easily borrow that sum, without further ado, to repay the same to revenue account.

Mr. Scoble agreed with his colleague of the Bench and observed that the Council should not take upon itself the responsibility of passing the Act in the shape it was, and of placing the Corporation under the provisions of the Public Works Loan Act of 1871, without its consent and against its desire. He would not only oppose the Bill on this ground, but on the higher one, namely, of its retrograde character. Mr. Scoble then went into a long technical disquisition on the point, which is too dry to be repeated here. Suffice it to say, that he did his duty as the chief oracle of the Bench and stigmatized the Bill as altogether "unpalatable."

The Advocate-General, as befitting his vocation in the Council, of course, contradicted the arguments urged by the two sturdy opponents. He saw nothing irregular, nothing humiliating, and nothing retrogressive. Mr. Scoble had suggested the enlargement of the borrowing powers of the Justices. He for one would strongly deprecate the proposed enlargement. The powers the Justices had were powers similar to those conferred upon Corporations in England. But "nothing would be more dangerous," remarked this legal spokesman of the Government, "than to give general borrowing powers to the Corporation wholly irrespective of the purposes to which it would apply the money. Anything of the sort would be most absurd."

The President followed the Advocate-General. Being a trained lawyer himself, he was able to brush away some of the legal cobwebs of Mr. Scoble and support his legal adviser. No doubt he felt with the other speakers as to the curb the Government of India intended placing on his Government, especially as to finances, but that was not the time to speak, and he forbore from making further remarks. He, however, expected his colleagues not to waste their time and energy by opposing the Bill for opposition's sake, as it would lead to no practical good. And it was the practical which they should now desire to attain.

After these preliminary skirmishes, the Bill was read a second time and discussed in detail. The third reading came on on the 28th February 1872. Some doubts having arisen as to the method of repayment and other cognate matters, four fresh clauses to the Bill in that behalf were moved and passed, after much beating about the bush, as is the way with lawyers. The Bill was eventually licked into shape and passed and the Bombay Municipality, to its great chagrin, had to bear all the slur cast upon it by the

Imperial authorities for its financial improvidence and imprudence. Ever since those days the men at headquarters, who have to deal with the municipal finances of Bombay, have been most careful and inquisitive. Happily the days of suspicion passed away and the Bombay Municipality has had the eminent satisfaction of being recognised and declared time out of number as a model for all India to follow, thanks to the burning civic spirit of her citizens.

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## CHAPTER XXXIX.

THE NEW DRAFT OF THE MUNICIPAL CONSTITUTION—MINIMUM OF REPRESENTATION AND MAXIMUM OF CONTROL.

THE Loan Bill having passed, the Government next directed its attention towards the preparation and submission to the Legislative Council of a new Municipal Bill of a most elaborate and ponderous character. It was introduced into that assembly on 27th March 1872 by the Hon'ble Mr. St. George Tucker, the senior member of Sir Seymour Fitzgerald's administration. The honourable councillor, however, made it clear to the public in the concluding part of his introductory address, while moving the first reading of the Bill, that he was not the sole author of it. He said: "I do not claim to be the author of the measure to which I stand sponsor. It has been the work of several hands and the product of more than one head. It is a compromise of certain extreme opinions and is intended to be one step in that progressive march of improvement on which I hope all matters connected with Municipal Government of the city are now proceeding." We shall see later on how this measure, the work of many a hand and many a brain, was received by the public. Suffice it to say that, in spite of a multitude of wise men who had a share in the drafting of the original Bill, it failed to satisfy the public requirements and was therefore subjected to much mutilation during its different stages through the Legislative Council. The Honourable the Advocate-General of the day, Mr. White, a trained barrister of great breadth of view and most liberal sentiments,

almost disapproved of the grudging spirit in which the so-called compromise was arrived at in reference to the future constitution of the Municipal Corporation, and damned it with the faintest of faint praise. He did not fail to observe that he confessed he felt "much disappointment at the scheme which is here proposed for the sanction of the legislature." He objected to it upon two grounds. Said Mr. White: "It appears to me to give a very small share of representation to the persons who are most interested in seeing that the municipal funds are well administered, that is, to those who pay rates and taxes. In the second place, it seems to give an enormous, excessive, and unnecessary amount of control to Government...... I can hardly fancy that if this measure passes into law in its present form we can expect any useful result or any change for the better. It no doubt is a measure which to some extent divides certain works between the Town Council and the Corporation, and also imposes upon them a certain responsibility; but excepting for the purpose of dividing responsibility, it appears to me that Government might just as well have kept to itself the whole of the work connected with the Corporation, and directed its own affairs in the Accountant-General's Department to check the Municipal Commissioner and see that he did not exceed the amount set apart for him to spend. On the whole, it appears to me that this Bill comprises the minimum of representation with the maximum of Government control. You may call it a homœopathic dose of the popular elective principle and an overwhelming dose of Government supervision."

From the above extract, the reader will have obtained a sufficient inkling of what the new Municipal Bill was, as introduced into the Council by Mr. Tucker. It was round

the constitutional portion of it that a stubborn resistance was displayed by the Honourable Member both in the Select Committee and in the open Legislature, which in its turn was sternly opposed by the Advocate-General and other non-official members. The struggle was of a tooth and nail character, but the final triumph lay with the Advocate-General, than whom none fought harder to gain for the city that measure of self-government, the broad foundations of which it fell to the lot of Lord Reay sixteen years later to widen and improve.

But before we proceed to enter into the details of the elaborately devised Bill, which was characterised as a 'wonderful' one by some of our spirited publicists of the day, it may be just as well to relate here the impression which it produced on the public mind. No journal dealt with those stirring topics so trenchantly as did the *Times of India.* Mr. Martin Wood, with his broad culture, great freedom of mind, and grasp of the true situation, was, in his capacity as editor of that journal, its severest but most fair critic. He observed (vide *Times of India*, 27th March, 1872) that "anything more elaborate and complicated it would be difficult to contrive....If the Legislative Council does not very largely reduce the number of 'bearings,' the results of its working cannot but be fearful to contemplate. What is to be dreaded from the working of the cumbrous machine as at present devised is waste of power, needless antagonism, checks on public spirit, and, finally, a civic deadlock." Thus the *Times of India* was in remarkable accord with the Advocate-General and the public whose voice he faithfully echoed in the Council.

Let us now go back to the introductory address of Mr. Tucker. He observed that he was not prepared to say that the failure of Act 1865 was solely attributable to

defects in the law. He was of opinion that for part of the failure the Government was responsible owing to the unfortunate selection of executive officers by that authority, and that for another part the Bench itself was responsible. It was a matter of regret, again, that Government failed to view with sufficient clearness the state of affairs induced at an earlier date. Said Mr. Tucker: "It was intended in financial matters that there should be control, and a special officer was appointed for the purpose. If that controller had really controlled, it is possible we might have been spared a great deal of what happened, but unfortunately for the city and the Government, and for all concerned in the matter, the controller did not control, but became subordinate where he should have been superior, and the Government must bear the responsibility of the selection of such a controller." This was a straightforward and manly confession which was quite characteristic of Mr. Tucker, who, whatever his political views may have been, had shown, when on the bench of the High Court, on its appellate side, an amount of independence and stern impartiality, which was the theme of universal praise.

But, added Mr. Tucker, the Justices were partly to be blamed in not controlling the Commissioner. Latterly, no doubt, the Bench had made a strong effort to control the Municipal Commissioner; but for a long time, either from want of experience, or want of persistence in these efforts, or from certain inherent defects in the constitution of the Corporation, they were unable to effect their object. This statement, too, may be said to be perfectly true. The unwieldy Bench was no doubt not perfectly able, as we have already shown, to keep a stern watch and ward over the financial administration of the Commissioner. In short,

Mr. Tucker remarked that he considered that there were three powers or authorities united in the administration of municipal affairs under the existing law, and that all more or less were to blame for the imperfect manner in which that law has been carried out.

Mr. Tucker frankly acknowledged that there were some defects in Act II of 1865 which were not a little contributory to the prevention or impediment of efficient action on the part of the Bench of Justices. He specially referred to the undefined and uncertain number of members of which the Corporation was constituted under that enactment. The number was somewhere about 500, and it was quite problematical, at important debates, what number may meet and how it may finally decide a burning question one way or the other. This was a serious defect which was sought to be removed in the amending Bill by limiting the number of those who were to constitute the Corporation. The principal reason why the entire body of Justices were made a Corporation at first was that they were a body which, according to Mr. Tucker, contained a fair proportion of the most enlightened and intelligent residents of Bombay. They were men best fitted to take a share in the Government of this city. As such they were incorporated for the purposes of the Act into a Corporation as the readiest and most efficient body available. The new proposal was to form the Bench into an electoral College and to elect therefrom a limited number to represent the Corporation. The selection was to be half by the Government and half by the Justices themselves. At the same time, Mr. Tucker further observed that it was necessary that a Justice should have certain qualifications, and that it would be beneficial also to have a few representatives from the rate-paying classes. The number of these

was to be sixteen, half of whom, again, were to be nominated by Government. Mr. Tucker, in this matter, was very conservative; and it was in reference to the elective principle of representation that he was so extremely slow to grant liberal concessions. He was alarmed lest the introduction of the popular element may prove mischievous. He said that it was a matter which, before it can be widely adopted, requires the most careful consideration. Why? Because, remarked the honourable member, "the systems of election and popular representation which obtain in England have been the growth of centuries, and that the point which has been reached in Great Britain has been attained only after much conflict and much self-sacrifice." He, for one, thought that, situated as India was, it would be "impossible" to adopt, in their integrity, local self-governing bodies of the character existing in England. Not that he was averse to the introduction of self-government. Far from it. But his conservative instincts prompted him to say that they must advance slowly. It was the sentiment of decayed Whiggism, the same which we hear even to-day in certain quarters from a certain class of officials who, being unable to stem the tide of advancing Liberalism, have recourse to this shibboleth. "Personally," observed Mr. Tucker, "I would be glad to see self-government extended; but I think this must be done not by sudden jumps or leaps in the dark, but by gradual progress by well-considered concessions which may be progressively enlarged and increased as the persons or classes to whom they have been granted show themselves fit for the boons given to them."

Then, as to the inner assembly of the Town Council which the Government proposed, it was specially constituted to keep watch and ward over the city's finances. Ex-

treme care was taken to safeguard these lest there might be a repetition of the financial extravagance which was proved against the old system of Municipal administration. The Town Council was to have charge of the Municipal fund, which was to be dispensed in conformity with the rules and regulations which were to be prescribed under the Bill, and by the way of attracting a class of workers to regularly attend the meeting of the Town Council, a small fee or *honorarium* was fixed. " We hope by this way," said Mr. Tucker, " to get a regular supervision by skilled men who will act under a sense of responsibility." Another provision was to make the retirement of each member of the Corporation compulsory after two years, subject, however, to re-election. The object was that either the Government or the Bench of Justices who nominate them, or the ratepayers who were to elect a certain limited number, may be able to change their nominees if they found they did not constantly attend to the affairs of the Corporation. But the Municipal Commissioner was still to be the sole executive officer. He was to be left with complete executive power within the limits assigned by the Budget and such other limitations as were prescribed in the Act. There was the provision that he would not be able to spend money on any scheme unless it was personally approved and sanctioned and unless a vote for it was assigned by the Budget. As to the authority of the Corporation, we may describe it in the words of the mover of the Bill : " Their duties will be limited to fixing the rates in every year, and also voting the Budget. They will also possess general powers of enquiry, which they will be able to exercise through their Town Council." The Hon'ble Mr. Tucker wound up his introductory address by observing that it was not to be supposed that the tentative principle of popu-

lar representation was to stop there. It would be extended later on as experience suggested ; but it was deemed prudent that " the rate of advance should be limited rather than that any rash and inconsiderate step should be taken which might afterwards prove mischievous and lead to retrogression." It will be thus perceived that the intensely conservative instincts of Mr. Tucker had led him to adopt an extremely cautious policy in introducing the element of popular representation of which he was in mortal fright. He did not know where it might lead to. A leap in the dark was, therefore, deemed inadvisable. The fact is the honourable member had conjured this ghost out of his own imagination. It was a type of the ghost which Lord Dufferin himself had raised when confronted by the Congress, with regard to the absolute necessity of expanding the earlier Legislative Councils of the day—a necessity for which all India, official and non-official, had expressed a unanimous opinion. The fect is that in both cases the men in power and authority took a very imperfect view of the real situation and of the condition of public opinion. It was a mistake to persist in ignoring that opinion even after it was ripe and had pronounced itself in terms not to be mistaken.

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## CHAPTER XL.

### CRITICISM ON THE BILL.

WE noticed in our last chapter the salient features of the Municipal legislation which eventually became Act III of 1872, as propounded by its mover at the first reading. Let us now refer to the commentary thereon, which appeared in the columns of the *Times of India* on the very morning of the day that the Bill was to be read for the first time in the Local Legislative Council. Speaking of the rate-paying representation offered, it observed that the new element was "the sprat thrown to the whale." That journal turned up its nose at this homœpathic treatment which was sought to be meted out to the city. It observed that, "by an odd freak, the sixteen rate-paying members of the Corporation, both nominated and elected, may be persons of less substance and lower status than the rate-payers who are permitted to vote for them. The sixteen are qualified by the payment of any Municipal rates and taxes to the amount of fifty rupees; but those who are to elect eight of the sixteen can only be qualified by the payment of that sum as *house-owners*! This placing of the cart before the horse, we must presume, is the result of an oversight; because, if not, it introduces a novelty in the methods of representative organisation."

But this was not enough. The body which was to be brought into a corporate existence under Mr. Tucker's Bill had to go through a preliminary process of a complicated character. "Henceforth each year," said the *Times of India*, "will Bombay be closed by the exciting scenes

consequent on the very mildly contested elections of the thirty-two and eight members of the Corporation; then the new year is to be ushered in by the choice of the twelve Councillors. . . The Corporation is to hold *at least* four meetings in the year, and thirty members are required to form a quorum. But the Corporation is only the flywheel of the machine; the working cogs are the Town Councillors. These devoted public servants are to meet at least once a week, and though they may meet six days if they like, they will only get Rs. 30 each on Saturday night; and this *douceur* is only to be given to each member "who actually attends such weekly meetings from the beginning to the end thereof. Here, it seems to us, is a provision which may enable a strong-willed minority to bring to terms a majority of hungry or dyspeptic Councillors, much in the same way as the boot-eating obstinate juryman has been able to bring round the wiser eleven who had the misfortune to be locked up with him."

It will be seen from the speech and the tone of the long quotation we have made that the advanced publicists of the day were in no way enamoured of the new Bill. On the contrary, the clumsiness of many of its provisions, and the tinkering process it was subjected to by the multitude of advisers who took part in its framing, as ruefully acknowledged by its chief sponsor, offered many a point of criticism.

So far we have only acquainted the reader with the first preliminary skirmishes which took place in the public press. But let us now refer to the skirmishes within the stately chamber of the Council itself. Like the *Times of India*, Mr. White was in no way enamoured of the Bill; and he was not slow to take the very first opportunity that was offered him to decry the legislative wisdom which gave

it birth. The masterly ability and the wealth of forensic argument with which he met the Honourable Mr. Tucker on his own ground were the theme of the highest praise, while his stern independence elicited admiration all round.

Mr. White, in the first instance, took exception to the "enormous dimensions" of the Bill. If amalgamation of all the previous Acts was the object, then it would seem the law of condensation had been cruelly set at nought. This was, of course, a fling at the draftsman. We have already observed why the Advocate-General expressed his great disappointment at the measure. In the first place the share of representation given to persons most interested in the administration of Municipal funds was too small; and in the second place, it reserved to Government an "enormous, excessive, and necessary amount of control." In reality Mr. Tucker wanted to give concessions, so-called, to the rate-payers with the one hand, and minimise them to the irreducible minimum with the other. "My Honourable friend," said Mr. White, "by framing such a Bill as this, admits that some concession must be made, and he accordingly has introduced the principle, but to such an exceedingly limited extent, that I am unable to perceive that the Bill can be said to embody a fair experiment. If it is worth while to recognise the principle at all, if some concession must be made to the feeling out of doors on the subject, I think the concession should be sufficiently large to enable one, after the measure has been in operation for a year or two, to pronounce upon the result." This was, of course, the only sensible course to adopt. But the constitutional timidity of Mr. Tucker was too great to concede to popular opinion all at once. He would not make a liberal concession and give it a fair and reasonable time to see its operation. No: that would

according to him, have been a leap in the great unknown! Mr. White had to point out the many glaring defects in the representation which was sought to be granted to the rate-payers. After describing these he observed that, "My Honourable friend intimated that this was the introduction of a very important principle, and that therefore we must be very cautious how we act. Well, I must admire the extreme caution with which my Honourable friend has introduced the principle into this measure." This was sarcastic enough. But he went further and said, "What harm could be done by a *liberal* introduction of the principle of election by rate-payers I am unable to see. In some Acts relating to the N. W. Provinces and the Punjab, the principle has already been recognised by the Supreme Government of Calcutta of allowing Municipalities to be governed by members a considerable portion of whom are elected by the community itself. . . I think that my Honourable friend deceives himself if he thinks that anything in the way of experience will be gained as to the working of representative institutions in this country by the Bill. It introduces such an extremely small number of elected members that there will be no chance for the experiment to be fairly tried." In fact, Mr. White could not understand where the principle of popular representation lay when Government tries to secure to itself, in the first place, the nomination of the whole Bench of justices which is to form the electoral College, and then secures to itself the nomination of 32 members of the Corporation, and the nomination of eight of the rate-payers who are to be members of the Corporation, but who are not to be Justices, and in the matter of the Town Council, it also appoints six members, including the Chairman.

## CHAPTER XLI.

### SUCCESS OF POPULAR AGITATION—A LIBERAL CONSTITUTION ON A REPRESENTATIVE BASIS.

FROM what has gone before, the reader will have learned that the only important speaker at the first reading of the Bill No. 3 of 1872 who trenchantly criticised its many provisions, notably those relating to the constitution of the Corporation, was the Advocate-General. With an independence which is rare in these degenerate days, and with an ability and a clear insight which were his special characteristics, Mr. White, who afterwards occupied the Bench of the Bengal High Court with signal distinction, damned the measure with the faintest of faint praise. He summed up the essential feature of the Bill in two vigorous sentences. "On the whole this Bill comprises the minimum of representation with the maximum of Government control. You may call it a homeopathic dose of the popular elective principle and an overwhelming dose of Government supervision." With these words of doubtful benediction the Advocate-General concluded his observations, expressing his earnest hope on behalf of the public that ample time will be allowed to the Council, and the Select Committee to whom the Bill will be referred, to consider its many sections, numbering over three hundred. Faithfully echoing public opinion as expressed on the Bill outside the Council Chamber, Mr. White did not fail to observe that the sections were numerous and "calculated to provoke a good deal of criticism."

16

The Hon'ble Mr. Tucker was only too impatient to answer some of the statements of Mr. White, and to offer certain explanations; but the President interrupted his over-anxious colleague in the Government and asked him to reserve his observations till the second reading, when the principle of the Bill will properly come on for discussion. After a little parley, Mr. Tucker acquiesced in the ruling of the president, and his bantling was consigned to the tender mercy of five excellent nurses, namely, the Advocate-General, Mr. Ravenscroft, Colonel Kennedy, Mr. Byramji Jeejeebhoy and Mr. Mungaldas Nathoobhoy. They were to submit their report by 24th April.

The second reading, however, did not come off till the 27th July, at Poona. During the interval there had been a change in the *personnel* of the Government. Sir Philip Wodehouse succeeded Sir Seymour Fitzgerald as Governor of Bombay, and the place of the Advocate-General was taken for a time by Mr. Mayhew, an excellent barrister but not equal in ability and hard fight to Mr. White. In response to outside public opinion, the leader of the reform, Mr. J. A. Forbes, was also appointed a Member of the Council. Sir Philip himself had come with a good reputation for administrative experience, he having been previously in the Ceylon Civil Service and afterwards Governor at the Cape of Good Hope. The Bill, however, had excited so much opposition outside, and so many were the adverse criticisms hurled against Mr. Tucker personally, as the most stubborn member of Government who had stood between it and the popular will, that the President opened the proceedings by observing that the Council would permit Mr. Tucker to give on the part of the Government a general idea of the alterations that it was proposed to make in the Bill. The Honourable Member

then moved that further time be allowed to the Select Committee to make its report. In doing so he had to point out that since the Committee had been appointed much progress was not made—some 60 sections only having been settled. This slowness was attributed to the inability of Mr. White to attend the meetings more than twice a week, and to the differences of opinion entertained by members of the Committee. Again, a great many representations by different classes of the community had come pouring in on the Government "protesting against the restricted amount of popular representation which was proposed to be accorded by the Bill." There was no alternative left under such a powerful pressure of public opinion but to reconsider the constitutional provisions and offer wider concessions. In other words, Mr. Tucker had to bend—a fact which shows the index of the high popular feeling which ran against, and the immense hostility that was displayed towards, the ill-starred legislation. What were the principal alterations proposed may now be briefly stated. The original number of 80 members, which was universally decried, as too unwieldy, was to be reduced to 64, one half of whom were to be elected by the rate-payers, one quarter by the Justices, and the remaining to be nominated by Government. This was the substantial concession which the popular agitation was eventually able to extract from the Government. And practically, the constitution of the Corporation remains the same to this day, save the further extension of the franchise allowed in 1888 to the University and the Chamber of Commerce, the rate-payers having had also the privilege of electing four additional men of their own. The Town Council of twelve was also to consist of eight elected members by the Corporation and 4 nominees of Government, of which the Chair-

man was one. Thus a potential voice was assured to the representatives of the tax-payers. This constitution also stands to-day, save and except the fact that the Town Council is a delegated body of the Corporation and called the Standing Committee, and that the Government gave up the right of nominating the Chairman. Referring to these proposed changes, Mr. Tucker observed that "the opponents of the measure who demurred to the 'infinitesimal dose of popular representation,' ought now to be satisfied with so wide an extension of the bases upon which both the Council and the Corporation are to be constituted." Further concession was announced as regards the appointment of Health Officer and Executive Engineer. It was agreed to that the appointment of the two officers should be left to the Corporation, subject to the approval of Government. Of course, the Government retained to themselves the power of nominating the Municipal Commissioner. Mr. Tucker hoped that these liberal concessions would go considerably "to allay public anxiety," though personally for himself, he thought that they "go further than is altogether prudent at the present time." The fact was that, in the first instance, Mr. Tucker had failed to apprehend the genuine growth of public spirit among the citizens of Bombay and take a just measure of it. In the second place, there was a constitutional timidity about the introduction of a wide representative element. Still, it should be said to his credit that he sacrificed and set aside his own personal opinions in favour of the popular demand. He candidly admitted the undeniable fact that "there is on the part of a large section of the community, both European and native, a strong demand for a form of constitution based on the principle of representation." In consequence, he felt himself compelled "in

deference to public opinion and also to the views of others who are as competent to judge of these as I am, to waive my own particular sentiments on the points on which there will now be changes." He then moved that the extension of the time be six weeks and that the Hon'ble Mr. Forbes be added to the Select Committee.

The Acting Advocate-General congratulated the public upon the fact that they were assured of receiving a more liberal scheme of popular representation than was originally contemplated; so, too, did Mr. Forbes, though he had a grievance as to the length of time for which the extension was given. Mr. Forbes observed that fully twelve months had passed away since the Government first promised to make the necessary reforms. The old Act, which had wrought such mischief, was still existing. No doubt, since the retirement of Mr. Crawford, two very able Commissioners had acted in succession; but the popular annoyance regarding bills of taxation and other vexing matters had not been mitigated by a hair's breadth. A short Act should have been at once passed to give the relief for which the rate-payers had been bitterly crying for months, and the constitution of the Municipality might have been dealt with later on. "This Bill," said Mr. Forbes "has been criticised in Council and out of Council —and very severely criticised too—and I am sorry to say I have not heard an expression of opinion in Council that is very much in its favour."

Mr. Mangaldas Nathoobhoy expressed satisfaction at the concessions proposed, and observed that he had not the slightest doubt that they will not be abused. "On the contrary," added he, "they will be acted upon in a way which will reflect credit on Bombay, and the fears which the Hon'ble Mr. Tucker entertains will be groundless.'

And so they have been. Mr. Mangaldas, as a shrewd citizen, had properly gauged the capacity of his fellow townsmen to manage their own local affairs, and proved a true prophet. In reply, Mr. Tucker, who was all through extremely sensitive to the many unpleasant things that had to be said by his colleagues in reference to the Bill, and was more or less wrath at the startling criticisms of the press in general, especially of the *Times of India*, indignantly repudiated the blame that was laid by Mr. Forbes at the door of his Government. He explained at some length why the Bill had made little progress. Sir Philip Wodehouse poured oil over the troubled waters and inspired confidence by stating that though the time allowed to report was six weeks, he hoped the Select Committee would bring it up earlier. Further, that inasmuch as it had been decided that popular representative institutions should be conceded to Bombay, the experiment "should be fully and fairly tried." This statement was heartily cheered, and the Bill was further referred to the Select Committee. The public were greatly satisfied with the result of their agitation and the excitement gradually abated.

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## CHAPTER XLII.

THE BILL AS AMENDED BY THE SELECT COMMITTEE—MORE VIGOROUS OPPOSITION BY THE PUBLIC.

THE Select Committee had many sittings after 27th July, 1872, to lick into shape the 304 sections of the new Municipal Bill. A report was prepared for presentation to the Council on 11th September following. But the report was, of course, not of a unanimous character. It was expected that Mr. Forbes and Mr. Mangaldas would enter their dissent, as they were not satisfied with the provisions as amended by the majority of their colleagues in the Select Committee. The Ratepayers' Committee, too, who were closely watching the progress of that body with the Bill, were discontented. Their dissatisfaction was faithfully voiced by the *Times of India*. Moreover, they were alert enough to submit to Government a further memorial praying that as the Bill, in its amended form, needed to be thoroughly digested, and its provisions properly understood, it would be pleased to postpone the second reading for three or four weeks beyond the date fixed, namely, 11th September. The Justices, too, had their grievance in so far that the tinkered piece of legislation was not to be discussed by them formally at their meeting. Thus, the Government had given ample materials to the dissatisfied community for a fresh agitation which might have been, perhaps, even more vigorous than their first, but for the fact that the new President in Council was quite alive to the expediency of allaying it and becalming the sullen malcontents. As a parliamentarian

and an administrator of great experience, Sir Phillip Wodehouse, knew what was due to the public, and how far further concessions should be made to it so as to conciliate all interests and allow the Municipal coach to run smoothly." The report made by the Select Committee might not have been so unsatisfactory had Mr. White, the Advocate-General, been there. But unfortunately, the place of that staunch advocate of liberal local self-Government was occupied by another. Otherwise he would have been able by the sheer force of his great ability to mould the measure in the Select Committee in a way to rejoice the heart of every ratepayer in the city.

In its issue of the 2nd September, the *Times of India* resumed its well-aimed fusilade against the Bill. This flank-attack on the Bill considerably stimulated the popular agitation. Its chief promoters were much fortified. That journal returned to its charge by remarking that "as it seems the new charter under which this city is to be ruled will not be submitted for the consideration of the citizens themselves, we must make the best we can of the conflict of opinions between the small official majority of the Select Committee and the three dissentients." To that contemporary it appeared that the entire measure, as got up by Mr. Tucker and his supporters, was one "flock of quibbling regulations and crowd of supererogatory provisions." It was a mighty maze with its 304 sections! What would the writer have said to the 528 sections which are comprised in the Act under which the Municipality has been working these last twenty-five years? However, bearing in mind the times, it must have appeared a formidable piece of legislation, especially with the "bludgeon" clauses for the first time introduced therein. It was compared to the city's "monster roadroller"—very

imposing, very heavy and withal clumsy, costly, and ill-fitted in its essential parts. The Bill was said to have insidiously harboured " old foes with a new face." The gravamen of the complaint was that too many autocratic powers had been reserved by Government and that the Municipal Commissioner was still vested with executive powers which, it was apprehended, would work injuriously for the welfare of the ratepayers. Mr. Forbes was still carried away by the idea that the entire executive power should be entrusted to the Corporation alone, and that the executive should be its servant and not its master. Furthermore, he observed in his minute of dissent that the Bill was characterised by a marked distrust of the whole system of Municipal Government which it inaugurated.

This was the amended Bill. And it was this measure which Mr. Tucker asked his colleagues at the Council, on 11th September, 1872, to read in detail for the second time. But it was not allowed to be so discussed till the dissentient members had more vigorously voiced than before the outside public opinion thereon. Mr. Forbes was, again, its strongest critic, so far as the constitution and powers of the Corporation were concerned. Mr. Bythell, an able merchant, of the well-known firm of Messrs. Gaddum and Co., and the present active Chairman of the Manchester Canal Company, was strongly against the proposed Town Duties, especially on cotton exported from the port. He was a formidable critic to contend with. Many indeed were the battles of the mercantile community which in those days had this canny, clear-headed and sternly logical merchant waged, David-like, with the official Goliaths, especially in connexion with the gauge for the new railways which the State was then intending to construct to connect Delhi with Bombay *via* Ahmedabad. General

Strachey, the then minister of Public Works with the Government of India, had found in this sturdy Scotchman a veritable lion in his path. He was all for metre gauge, whereas Mr. Bythell, with his intimate knowledge and almost prophetic instincts as to the future of the trade between the principal cities of Northern India and Bombay, was an uncompromising advocate of the broad gauge. But the Government of India to-day has learned to its cost how far it was misled by its Public Works Secretary, and how far the wisdom of the merchants of Bombay, under the lead of the far-sighted Mr. Bythell, has been amply justified. It is the same far-sightedness and mercantile sagacity which has led Mr. Bythell to become the Chairman of the Manchester Canal Company—a concern which under his able guidance has been slowly making headway, financially. Just as the older citizens deplore in the Corporation of to-day the absence of that phalanx of sturdy Englishmen, Scotchmen and Irishmen who had raised local Self-government to a lofty height and earned for the city the sobriquet of the first in India, we have to deplore the want of sturdy, independent and sagacious merchants in our Local Legislative Council of to-day. Scarcely do we find that cultured critical faculty, that sturdy spirit of independence, and that shrewd sagacity which characterised the public life of Bombay in the seventies and the eighties.

But this is somewhat of a digression. Mr. Tucker, as the member in charge of the Bill, had to meet the criticisms of both the Hon'ble Mr. Forbes and the Hon'ble Mr. Bythell. As to the former he had to confess, at the very outset of his motion for the second reading of the Bill, that this Honourable friend, from the minute of dissent he had attached to the report, appeared "to be opposed not only to many of the details of the Bill, but also to

many parts of the entire scheme and the principles " upon which it was based. Mr. Tucker's great grievance was that in the Committee they considered every suggestion and representation made by the public, and Mr. Forbes' assent was given, and yet from his minute of dissent he was somewhat surprised to find his catalogue of objections swelling to formidable proportions! There was " no indication," he remarked, " that the objections of the Honourable gentleman to the whole Bill were so extensive and radical." Of course, Mr. Forbes in the Select Committee was not so strong. Bus his supporters outside the Committee room were irreconcilables, especially Messrs. Nowroji Furdoonji and Sorabji Shapurji. They were not satisfied with the amended provisions. It was they who supplied him with those " extensive and radical " objections which he eventually embodied in his dissenting minute. Mr. Tucker, therefore, satirically observed that he had "no objections to the Honourable member changing his opinion after drawing fresh inspiration from a visit to Bombay." That was a neat thrust. At the same time Mr. Forbes had great justification for his own dissent. Mr. Tucker himself admitted that since the publication of the report of the Select Committee he had noticed, that in spite of attending to all representations, there were many serious objections taken by the public and the press alike to that report —a fact which conclusively demonstrated that the tinkering process had in no way come up to the expectations raised. Mr. Tucker, however, laid the flattering unction to his soul by declaring that the objections were contradictory, one set urging one thing which the other set denied. Such being the parlous condition of public opinion, he inferred that on the whole the Government had hit upon that middle course which the sages of antiquity had held

to be the object to be aimed at by prudent persons in private or public affairs.

Mr. Tucker also denied Mr. Forbes' statement that Government had shown great distrust of the people while framing the constitutional provisions of the Bill. "I do not think," he stated, "that there is any real foundation for the charge. It is quite true that we have not given to the Corporation absolute or unlimited powers, but it would be opposed to the sound constitutional principles which ordinarily govern the proceedings of Englishmen, whether in the mother-country or in the colonies or dependencies, to confer unrestricted powers upon a body such as the Corporation created by the Bill is intended to be." The Honourable member went into an elaborate defence or justification of what had been done, especially in reference to the provisions which contemplated interference of Government in case of any omission or refusal of the Corporation or its officers to carry out the express directions of the law. Lastly, there was a section framed to exempt all property of Government from Municipal taxation. Mr. Tucker defended it on the authority of the Acting Advocate-General, who was of opinion that all Crown property was under a Parliamentary statute exempt from taxes. But to avoid dissatisfaction on this ground he agreed to allow undisturbed the practice of the Government giving a contribution in lump in aid of the Municipality in return for local services rendered to Government property. But he added this would be simply "as an act grace." The second reading of the Bill was then moved, and a most interesting and instructive debate of an historical character ensued, the details of which must be reserved for the sequel.

## CHAPTER XLIII.

### SECOND READING OF THE BILL IN THE LEGISLATIVE COUNCIL—SEPTEMBER 1872.

THE proceedings of the Council Meeting, held on 11th September, 1872, were of a most enlivening character, owing to the keen interest excited by the several alterations made in the original Bill. The representatives of the reformers were encouraged by the many concessions made to push their advantages to the extreme. "Now or never" —that seemed to be the idea which governed all their conduct and action. The opportunity, which their own most successful agitation had created, should be utilised with the view to obtaining for the rate-payers as much of a liberal and comprehensive scheme of local self-government as was possible.

Thus emboldened, the Rate-payers' Committee were not slow, with their leader, Mr. Forbes, in the Legislative Council, to submit a fresh letter to that body that sufficient time might be allowed to the rate-paying citizens at large to discuss the amended Bill as reported upon by Mr. Tucker's Select Committee. But the President wisely ruled that "while the Government had every possible wish to give the rate-payers the opportunity of discussing the Bill," yet he could see "no sufficient reason for putting off the present consideration of it." He announced his intention of sitting in Council from day to day, till the measure was fully discussed and passed into law. Sir Philip Wodehouse appeased the Rate-payers' Committee by telling them that if it understood that any clause was objectionable and

required to be considered, an opportunity would be given to it during the discussion to express its views. That was indeed an excellent and wise concession to the popular representation. While the rate-payers were not debarred from raising their objections, the business before the Council was not to be hindered or needlessly delayed. On this distinct understanding the Bill was allowed to be debated clause by clause.

The first speaker was Sir Mangaldas Nathoobhoy. While acknowledging the improvements effected by the Select Committee in the constitutional part of the Bill, that Councillor was of opinion that there were yet many objectionable sections which were calculated to produce "an injurious effect in the practical operation of the Bill." He directed attention to the taxation clauses which, in his opinion, were most burdensome. They were deemed to be "almost crushing." He disapproved of the omission of the maximum limit of the police and lighting rates which, under the old Act, had been reasonably fixed at 3 and 2 per cent. respectively. He deprecated the power that was left in the new measure to levy an *unlimited* supplementary rate! Again, the withdrawal by Government of its police contribution of a lakh was declared to be most unfair. It will be seen how from the very beginning there has gone on a battle royal in reference to the police charges. It was nearly after forty years that the disputes which had arisen from time to time between the Government and the Corporation were completely settled. The one tried to impose its arbitrary will, while the other incessantly complained of their high-handedness and the absence of all voice in the management of the police. Sir Mangaldas said that the with-drawal of the contribution of the lakh then paid by Government was tantamount to increasing the burden of the

tax on the rate-payers. This was considered most unfair. He pointed out the difficulty which had been experienced by the Corporation in the matter of the police charges till they were completely taken over by Government a few short years ago. "If Government," observed Sir Mangaldas, "deem it necessary to increase the number and emoluments of the police force, the Corporation will be under the necessity of making a further proportionate augmentation in the police rate. If the expenditure of any year be in excess of the amount sanctioned in the budget, the Corporation will be compelled to make up the amount of excess by imposing a special supplementary rate." Similarly with other taxation clauses, which the honourable member characterised as "unjust, indefensible in principle, and highly oppressive." But he had more serious complaints against the Bill. He could not understand sections 40 and 41, in which the Government had sought to sit in judgment on the Corporation and the Town Council and to bring to nought the whole scheme of local self-government. The sections contemplated that on any complaint being received by Government, that authority was empowered to decide the Corporation at fault. Observed Sir Mangaldas: "If these sections are retained and legalised, no independent gentlemen will consent to join the Corporation or the Town Council...... I consider it my duty strongly to object to the proposal to invest Government with such arbitrary power, which strikes at the very root of Self-Government." That was a grievous error on the part of the Select Committee in retaining this arbitrary power, and Sir Mangaldas was quite correct in opposing the sections. At the same time, he scarcely understood the value of the sanitary work which it was necessary for the Corporation to carry out in the city. He

objected to a highly paid executive health officer. So far were he and his colleagues outside the Corporation seized with the spirit of economy that they displayed less than their usual sagacity in opposing the appointment of so indispensable an officer. But sanitary science was forty-two years ago in a rudimentary stage in Bombay. He would be considered wanting in ordinary intelligence who could propose the abolition of the Health Officer to-day. But some were so harebrained enough in those days as to confound economy with efficiency, and decry even the most essential appointments needed for the better conservancy of the city. Sir Mangaldas deemed it "inadvisable to make it obligatory on the Corporation to employ a highly paid executive officer of health when public interests (?) can be better promoted by engaging a consultative officer, who should be independent and unconnected with the executive department, whose shortcomings or failure he would be in a position to point out much better than if he were the head or part and parcel of the department." Sir Mangaldas approvingly quoted a long extract from the speech of his friend, Sir Barrow Ellis, who had spoken similarly when the first Municipal Act was introduced by Mr. Cassels.

Again, with the instinct of the true Bania, greatly sharpened by the accident of large house-ownership in the City, the same member seemed to be very captious in his objection to the sections which empowered the Corporation to increase the house-rate from 5 to 10 per cent. He was of opinion that property was not able to bear that burden in Bombay. The maximum should not be more than 7½. He deemed the maximum of 10 per cent. to be "highly oppressive." More reasonable was his opposition to the exemptions sought in the Bill from Municipal rates of all Government property. Said Sir Mangaldas: "In

Calcutta no such exemptions exist, though the Government contribute one-fourth of the expenses of the police. He met the argument of the illegality of the levy, as urged by the Advocate-General, namely, that crown lands and property by Act of Parliament are exempt, by observing that in that case there was not the slightest necessity to mention the subject in the bill. In the opinion of Sir Mangaldas it was " not a dignified proceeding on the part of Government to shirk their liability to contribute their share of the rates and taxes due by them in respect of the large and valuable property owned by the state in the metropolis of Western India." Happily for the Government and the rate-payers alike, the liberal statesmanship of Lord Reay has done away with the old objection. Act III of 1872 made a compromise by enacting the payment of a lump sum " as a matter of a grace." Act I of 1888 has been juster. An arbitrator nominated by Government and approved by the Corporation is quinquennially appointed to appraise property and land belonging to Government; and his award is to be considered as binding on the Corporation. The arrangement has worked well these twenty-five years past, and so far the Government has removed one cause of injustice so far as its financial relations with the Corporation are concerned.

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## CHAPTER XLIV.

THE VIGOROUS DEBATE IN THE LEGISLATIVE COUNCIL—STURDY OPPOSITION OF MR. FORBES AND SIR MANGALDAS.

MUNICIPAL reform, on the right principle, had, in 1872, so firmly taken hold of public opinion of all shades, that it is not difficult to imagine the prolonged debate which took place in the Legislative Council meetings on the second reading of the Bill which eventually passed into law as Act III. of 1872. The Corporation and the rate-payers of to-day should never forget the invaluable service rendered to the cause of liberal Local Self-Government by the city's representatives in the Council. The present generation can have hardly any idea of the struggles the more ardent reformers had had to contend with, and the untiring efforts they made to win a municipal constitution which should be deemed their local *Magna Charta.* The debate, therefore, on the Bill from this point of view, was indeed most important, and it is our object in this connection that our representatives in the Corporation to-day should be made fully and fairly acquainted with the fortunes of that Bill on the foundation of which the Act, as further improved and enlarged by the liberal statesmanship of Lord Reay, in 1888, is being worked by them at the present hour. It must be also remembered that we owe it to the public spirit and energy, albeit sometimes overdone and misguided, of men like Mr. J. A. Forbes, Col. Kennedy Sir Mangaldas Nathoobhoy and Mr. Bythell in the Legislative Council, and of Messrs. Nowroji Furdoonji, Sorabji Shapurji and P. M. Mehta outside it, as well as of the pub-

lic organs of the day, that the civic battle was eventually won, notwithstanding the arduous and uphill struggle they had to contend with. Our citizens should endeavour to realise the events in order to appreciate the services rendered by those whom we have named.

And here at this stage, it may be useful also to recall one fact which Mr. Forbes pointedly referred to in the preamble of his speech. It is a regrettable practice for the Government to set at nought the requests made by the representatives of the public in the Legislative Council, to postpone for a few weeks the consideration of Bills having a public importance and vitally affecting public interests. Mr. Forbes regretted that the request of the ratepayers for a few weeks' postponement of the second reading of the Bill was not complied with. But he craved leave to quote the original intentions of the Government of India with regard to all Bills introduced by provincial governments in their respective Legislative Councils. The public as well as the publicists of the day have such short memories in these days of railways and electricity, that it sometimes becomes needful to recall standing instructions on important affairs of State. Mr. Forbes read an extract from the letter of the Government of India of 11th December, 1861, when the Legislative Councils were first instituted in the Presidencies. It ran as follows: "The Governor-General in Council is of opinion that the rules of the Legislative Council should provide *ample time* not only for the discussion of measures introduced but also for their publication, so that the public may have a fair opportunity of submitting such representations to the Council regarding any pending measure as they may desire to make." Not only did the Government of Lord Canning communicate the instructions just quoted. Sir Charles Wood, in his despatch dated 9th

August, 1861, observed similarly. It was enjoined that "no law except one arising out from some pressing contingency should be passed *without full opportunity for mature deleberation and discussion*, and the intervals of discussion should be such as to allow the members of Council adequate opportunity of reflection and inquiry."

It was not surprising that, with so important a measure of municipal reform as was introduced by Mr. Tucker in the local Legislative Council in 1872, Mr. Forbes complained that he had not had "adequate opportunity" for reflection and inquiry regarding its full bearing. He spoke with great instinct and sagacity when he observed that the Bill was "of the greatest possible importance to Bombay" and the principles involved in it were such "as may lead to great changes." Mr. Forbes then formulated his main objections under two heads, constitutional and financial. He was more than doubtful whether the "homœopathic dose" of local self-government doled out by the author of the Bill could stimulate public spirit. He feared that it might have just the opposite effect of discouraging and deterring useful members of the Bombay community from taking any part in the Municipal Government of the town. His principal objection was to the Municipal Commissioner being still made the chief executive and responsible officer. This objection, as we have already pointed out, was based on too narrow an appreciation of the duties and responsibilities of a Municipal Commissioner. Mr. Forbes and his supporters had taken such a fright at the autocracy of the first Municipal Commissioner that they regarded with unreasonable terror the selection of such an officer for the local Government of a city like Bombay. Their view was extremely parochial and in no way enlightened. Hence they could not forget

that the ideal upon which they had set their heart was not only unpractical, but full of future mischief, if put into execution. They all seemed to be infatuated with the mirage of the Town Council whom they were eager to invest with full executive powers, though their candid critics outside, specially Mr. Knight, Colonel Hancock and Mr. Mehta, had elaborately explained the fallacy of their proposal and the consequence of it. On this point they curiously enough maintained their wrong-headedness. On the financial part it may be said that there was greater sanity, and Mr. Forbes rightly pointed out the burdens and inequalities of the taxation then prevalent and those sought to be imposed under the provisions of the Bill. We owe in no small degree to his and Mr. Mangaldas's persistent and well-reasoned advocacy, the financial reforms that were eventually secured for the ratepayers.

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## CHAPTER XLV.

### TOWN DUTIES—OPPOSITE VIEWS ABLY ARGUED.

Of late the attention of the Corporation has been frequently drawn to the desirability of revising the Town duties, specially in view of some improvements connected with the system of refund of duty on grain. It would not be uninstructive, therefore, if at this stage we refer to some acrid discussion which took place in 1872 during the passage of the Municipal Act of that year. Mr. Forbes was wholly opposed to the imposition of town dues on the ground that they were "extremely objectionable" from the point of view of the merchant and the trader. Mr. Mayhew, who acted for Mr. White as the Advocate General, was for the retention of the duties; but he would devise a method which would leave the levying in the hands of the Corporation itself from year to year instead of one which would stereotype a particular schedule which the Legislature might impose. That member observed: "The view I took in the Select Committee was that the Corporation alone should have power to select the articles for taxation, Government having no veto in the matter whatever, excepting putting a limit upon the duties to be fixed." He explained that the Corporation, consisting of sixty-four members, many of whom would belong to the mercantile and trading classes, would be more likely to know what articles of commerce would yield duties with the least burden upon the trade of the town than Government. His suggestion, therefore, was that the schedule of articles to be taxed should be entirely omitted from the Bill and be sub-

stituted by another enumerating one of the articles that should *not* be taxed. His reason for this mode of dealing with town dues was that the Corporation would thus possess the power of considering the ways and means for providing for municipal expenditure. "Year by year," observed the Acting Advocate General, "they could take a survey of the trade of the town and impose duties according to the exigencies of the municipality." He wished to leave the Corporation unfettered in its choice, save for certain commodities which ought not be taxed, but he entirely forgot that such a procedure was, from the administrative point of view, rather inconvenient, and altogether unsuitable from the point of view of the merchants. For no merchant then could say with certainty what dues might be imposed one year and what in another according to the prevailing tone and temper of the Corporation. Such a power in their opinion would be most inimical in practice to the smooth course of the town's trade. Mr. Bythell, now Chairman of the Manchester Canal Company, and a valiant champion of the interests of the mercantile community of Bombay in the seventies, took up the strong cudgels against the imposition of any town duties at all. He began by observing that he would oppose to the best of his ability "the attempt to establish transit duties in Bombay." Mr. Bythell's firm, Messrs. Gaddum & Co., largely dealt in cotton, as they do even to-day. In the Select Committee, it was seriously attempted to levy a tax on cotton which came to the port only to be re-exported. In its nature it was a transit duty which economists have uniformly tabooed as a restriction to the natural development of trade. At the time, there were hardly two dozen cotton factories in the city, so that the bulk of the raw staple was necessarily intended for exports. Mr. Bythell contended that "to admit that transit

duties are a legitimate source of revenue in Bombay would be to inaugurate a policy fraught with danger to the commerce of the place." After briefly recounting the history of the two previous efforts in the same direction, Mr. Bythell reviewed the whole question with his accustomed ability. Replying to the instance urged by the opposition that town duties to the extent of three pence per package were levied in Liverpool, he observed that the Corporation of that city was allowed to levy the tax only because they had many years before purchased from Lord Sefton the right to do so. But so great was the hindrance caused to the trade that a Parliamentary Committee had to be appointed especially to consider the matter. Then, as to the argument that cotton paid nothing to the Municipality though much had been done in the city for its accommodation by that body, he explained how fallacious it was. "Bombay," said Mr. Bythell, "without her great transit trade would be nothing but a fishing village, and cotton is the one great article in which she trades. Without that transit trade, what value would be put on the now enormously valuable house property, and from whence would the Municipality receive the large income now realised by taxation?" But Bombay has changed much since Mr. Bythell argued in this fashion against town duties. It has developed into a large manufacturing town, with its two spacious docks and innumerable wharves. It is now the great emporium of commerce and the second distributing centre in all Asia, save Calcutta. The conditions have changed. Transit duties on articles of commerce are extinct and put down by the strong arm of the Indian Government. But town duties on certain commodities consumed by the masses are not necessarily burdensome nor an illegitimate source of local taxation. Octroi is common in

the rich municipality of Paris and is levied in other large continental cities. The only question is whether such octroi should be levied on necessaries of life like food grain, and such articles of domestic consumption as firewood, or whether it should be levied on articles of commerce by which traders were accommodated and on articles of luxury. From the point of view of our latter day economists who have closely pursued the course of local taxation in many countries, it is uniformly agreed that octroi is a perfectly legitimate source of taxation on articles of luxury, and also in certain contingencies on the other classes of commodities.

Be that as it may, in replying to this part of the debate Mr. Tucker had something very reasonable to urge from the State point of view. This might well be remembered by such of our present Councillors as are intent on levying a small duty on cotton and coal introduced into the city for consumption, though, here, too, the question is most likely to be started whether an industry like that of cotton, whose prosperity now principally depends on international factors, especially the raw staple, should be burdened with a small duty on such commodities as coal and cotton for purposes of local taxation. But to proceed with Mr. Tucker's reply. "It appears to me," said he, "that the objections which ordinarily apply to transit duties fail in this particular case, and the services rendered to the cotton trade by the improvements which have been of late years effected in the city of Bombay renders the imposition of this duty insignificant. There seems no reason why the principal cotton port of India should receive no contribution from its chief article of trade. The municipal revenue must be increased, and it would not be right to increase the pressure of taxation on those interests

on which it is now too heavy. It is equitable to place any new tax which may be necessary to impose on other classes than those on whom the burden now falls....No recognised authority on political economy has been cited to show that a small transit duty levied in return for services rendered, and confined within limits which do not check the growth of the trade is opposed to the principles of that science." Those who think of advocating town duty on coal and cotton in place of grain and firewood will do well to remember this argument of Mr. Tucker and urge in support the authority of some eminent economists of the day why they should not be imposed. At the same time they should be prepared to answer how fai the economics of industiy in cities where industrial development is of the highest importance must be carefully watched. The question needs to be very well and dispassionately examined from all points of view.

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## CHAPTER XLVI.

### THE FRANCHISE AND CORPORATION MEETINGS AND QUORUM.

DURING the second reading of the Bill many a brief but instructive debate took place on the sections relating to Municipal constitution and finance. Some of these may be specially referred to, if for naught else but their historical interest. As to the franchise, Mr. Forbes, was in favour of placing on the electoral roll any person who paid rates amounting to Rs. 25 per annum. Mr. Tucker proposed Rs. 50. To this Mr. Bythell objected on the ground that "many bachelors who shared bungalows which were taken in one person's name, or lived in clubs or on the premises of their employers," would be disqualified from being entitled to the franchise. He thought that the wheel-tax also ought to be made a qualification. Otherwise, almost one-third of the whole European community would be debarred from exercising the right of election. Mr. Tucker observed that the point raised by Mr. Bythell was not overlooked; but he considered it inadvisable to include the wheel-tax, for the reason that it fluctuated from quarter-to-quarter. Thus there would be difficulty in ascertaining the precise amount of the annual contribution, Again, cab-drivers or buggywalas would become eligible for election, which was most undesirable. Mr. Bythell moved an amendment for the inclusion of the wheel-tax, but it was rejected, only he and Mr. Forbes being found in its favour. The conservative instincts of the majority of the legislators seem to have fought shy of this enfranchisement, though we now know that the wheel-tax does no longer act

as a disqualification, which argues how little progressive were the constitution-mongers of the early seventies.

Next, the President made an excellent suggestion, which was eventually carried out, and which holds good in practice to this day. After the unholy war of the candidates in the Mandvi ward at the last general election twelve months ago, this particular suggestion of Sir Philip Wodehouse would seem to be historical. He observed that "it should be open to any person qualified to vote at any election held under this Act to object to any person whose name may have been improperly placed on the list." Mr. Tucker thought such a proviso might give a stimulus to certain rate-payers to make complaints. To this the President rejoined that the Commissioner had full power to act in the matter. The Advocate-General embodied the suggestion in the amendment which was carried.

Section 9 related to the exclusion of any candidate from election on the ground of conviction before a Magistrate by a fine or imprisonment. The liberalism of Sir Philip Wodehouse could not tolerate such a disqualification. He asked "if it was really intended that a man was never to get into the Corporation if he had been once in prison for six months?" Some interesting discussion took place on, this question. Mr. Mangaldas pointed out that in the mofussil a man was liable to imprisonment for losing his temper or whipping. The acting Advocate-General was not in favour of the section. To him such a provision appeared to be very "inconsiderate." His observations may be quoted in full. "It showed great want of faith in the taste of the people of Bombay, who would never, it might be supposed, seek to be represented by a man who had distinguished himself in the custody of a jailor either for a long or a short period. Few men even who had pass-

ed under the criminal law would have the hardihood to go among the other members of the Corporation, and it would be an extraordinary thing if, supposing such a man did get into the Corporation, he were not cold-shouldered by the other members in a way that would make him refrain from taking his seat among them. It would be time enough to insert such a section when anything occurred that was likely to shock the Corporation, and if at the same time it felt powerless to check the scandal. He had spoken to several people in Bombay about this section, and they said they never saw such a section in a Bill in their life. He thought the good sense of the Corporation might safely be trusted to." He moved that the objectionable provision be deleted, *viz.*, the words "or convicted of any offence punished with a longer period of imprisonment than six months." Only four voted for the original section, including Mr. Tucker, while six, including the Advocate-General, voted against it. Eventually, this part of Section 9, as amended, stood as follows: "Nor shall any person continue to be a member of the said Corporation who shall be sentenced to imprisonment for six months or longer." It will be noted that clause (b) of Section 16 of the present Act has amplified the section of Act 1872 which, it is scarcely necessary to say, is somewhat carefully defined, but too narrow in our opinion, and unsuited to the progressive sentiments of this twentieth century of ours. In the House of Commons there is no such provision, and members convicted for political misdemeanour or other causes are still eligible to a parliamentary seat. Why should the Legislature object if the electors are allowed absolute freedom to choose whom they wish. Electors would always think twice and thrice before they choose their candidate. Such a provision may possibly be necessary in the United

States, with the corrupt rings which often have the power and control over Municipal organisation. But our Government in the matter is still behind the free-thinking age, for only very recently it persisted in keeping a more drastic clause to the same effect in the District Municipalities' Bill.

It will interest the present members of the Corporation to know that in Section 12 of Act III. of 1872 there was the following provision regarding the power of calling meetings of the Corporation in the absence of the Chairman. "In case of the absence from the City of Bombay of the Chairman appointed by the Corporation, the power of calling meetings of the Corporation shall be vested in the Town Council. This provision has been very wisely and properly omitted from the existing Act. The Standing Committee is a mere delegated body of the Corporation, and the dignity and authority of the Corporation demand that meetings of the Corporation shall be called by its President and by no other body whatsoever. To meet the contingency of the absence of the President, only the Chairman of the Standing Committee is empowered to call the meeting.

The quorum difficulty was not an infrequent one during the regime of H. M. Worshipful Bench of Justices under Act ! of 1865. The quorum under that legislation was fixed at 25. The same number was sought to be fixed in the amending Act, but the difficulty having been pointed out by Mr. Narayan Wasoodev, it was after discussion agreed that 20 should be the number for a quarterly general meeting and 30 for a special one.

As to the meetings of the Corporation, Section II of the old Act provided, as before, for only four quarterly meetings during a year. These meetings were again to be

held on fixed dates, namely, the first Tuesday in the months of January, April, July and October. But the business to be transacted has now-a-days so vastly increased that a quarterly meeting is, of course, out of the question though some would long for a return to the halcyon days between 1872 and 1888, if only to prevent or hold in reasonable check the flood of words which characterise in an inordinate degree most of the meetings held in a calendar month. It is not possible to return to the old practice of quarterly meetings. For one thing the impatient critics in the Press themselves would cry aloud, deeming it a "public scandal" that while plague and other insanitary conditions were rife amongst us, the elders of the city should only meet once a quarter to transact business. Perhaps when Bombay is really converted into the ideal Hygeia of Dr. Richardson, our citizens may hark back to the old practice and prefer to slumber in their sanitary Arcadia instead of being drawn to the Corporation Hall twice a-week for two hours each time or more. Meanwhile we may say that sufficient for the month are the eight meetings and the sixteen hours absorbed in talk inconsequential or consequential with all their enlivening and exciting "scenes" and "incidents." Corporate life would indeed be dull and uninteresting without these. Salt and pepper are essential, if only our severe critics provided them in reasonable spoonsful, such as may be pronounced both healthy and palatable

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## CHAPPER XLVII.

### WHO SHOULD SELECT THE CHAIRMAN OF THE TOWN COUNCIL? THE GOVERNMENT OR THE TOWN COUNCIL?

ANOTHER right which under the present Municipal Act has been conceded to the Corporation, and which is highly valued, but which was not allowed under the legislation we are now reviewing, was one having reference to the Chairman of the Town Council, which consisted of twelve members, like the present Standing Committee. The Government reserved to itself the right of appointing the Chairman. This right, Mr. Mangaldas moved, should be left to the Town Council itself. That member observed that if the Corporation were conceded the privilege of electing its own Chairman, it logically followed that the Town Council should be allowed the same privilege; all public bodies, moreover, elected their own Chairmen, and it was necessary for the proper and safe conduct of affairs that the Chairman should at least be a man who had the confidence of the majority of the Town Council. "If Government appointed a Chairman", so argued the honourable member, "who had little of the confidence of the Town Council, the circumstances would create ill-feeling among members, and instead of performing their duty energetically they would be apt to be continually squabbling." But Mr. Tucker, who was exceedingly chary of allowing the Corporation any powers at all, and who gave way only under stress of over-whelming public opinion, was firm on this point. He grounded his refusal on the plea that the Town Council, which would be a new and untried body, should in

the first instance possess an efficient directorate; and that for such a purpose it should have as its Chairman "a man of independent character and approved business habits." These qualifications, in his opinion, would be better secured by leaving the choice in the hands of Government than in those of the Town Council. He was of belief that it would impair the efficiency of the machinery created by the Bill for the better government of the city were the selection left to that body. It might prove indolent or exhibit a disposition to neglect its important duties. The amendment of Mr. Mangaldas was, however, lost, only he and Mr. Forbes voting for it, besides the Advocate-General. It might be noted here that in the earlier days of the Legislative Councils, the "mandate" theory was absolutely unknown. It was still to be invented; and the official legislators were, accordingly, left free to vote in response to their conscience rather than according to the orders of the Government. Anyhow, with regard to this particular Bill, there was no *jahookumising*, and the Advocate-General often voted with the non-official members who moved their amendments from the point of view of the ratepayers. Of course, Mr. Mungaldas' amendment fell to the ground. But Mr. Bythell at once brought forward another amendment which was in the nature of a compromise. Mr. Mangaldas wanted to have the Chairmanship of the Town Council unreservedly in the hands of that body. Mr. Bythell moved:—"That the Town Council shall elect their own Chairman, and such election shall be subject to the confirmation of Government." This was a reasonable compromise. And Mr. Bythell was also reasonable when, in moving it, he observed that it was "extremely unlikely," as Mr. Tucker fancied, that the Town Council would elect an unsuitable man for the office. He thought that the Government ought to be satisfied with

the voting of the appointment. He agreed with Mr. Mangaldas that were the Town Council not to elect their Chairman he would be looked upon with distrust by the other members, and this could not tend to the harmonius progress of business. Mr. Tucker replying said that it would create a source of contention between the Town Council and Government. Mr. Forbes pertinently pointed out that "if Government were to take such a direct part in the municipal affairs as to appoint all the chief officers, then the Corporation and the Town Council became a Government department. For well nigh a quarter of an hour there was a hot debate between the supporters and the opponents of the amendment. Mr. Bythell, replying to Colonel Kennedy, said that if the object of the Government was to get the best man, then the Town Council was just as likely to hit upon such a personage as the Government. The latter could not claim a monopoly of the election of such an entity. Moreover the Chairman will have no executive power vested in him. Colonel Kennedy rejoined that the Government Chairman "would have more prestige." Mr. Mangaldas piquantly and most pertinently interposed by pointing out that "formerly the Municipal Commissioner possessed the privilege of being appointed by Government, and that the result was not satisfactory." This was a neat thrust. Seeing that the debate threatened to reach a boiling point, the President tactfully observed, but not without a quiet humour which we of to-day could most appreciate, that in his opinion the clause had its origin mainly in "the fatherly care that Government wished to exercise over the new body." It should be remembered that Sir Philip Wodehouse was only five months in office, but trained and nurtured as he was in colonial administration and the constitution of the British Parliament where he had sat

for some years, he could not but detect the grandfatherly spirit in which the honourable member in charge of the Bill wished to carry it out. He therefore, quietly added that "perhaps, so far as Government was concerned, the point was not worth holding out upon." And so the discussion was brought to a close, with the result that Mr. Tucker's brother officials voted with him, while the non-official members, Messrs. Forbes, Mangaldas and Narayan Vasudev, voted with their fourth colleague Mr. Bythell. Curiously enough, in this instance, the Advocate-General voted *against* the amendment, with the majority, after having made remarks which were almost all the other way. Possibly he did not wish to give Mr. Tucker a defeat. For had he voted on the other side there would have been an equality of votes, and the chances were that the President, after what had fallen from his lips, might have given his casting vote in favour of the amendment.

Of course, Mr. Tucker carried the day with an extremely narrow majority. Past experience, nevertheless, informs us how utterly wrong was that member of Government in gauging the true popular instincts prevailing at the time with regard to local self-government. He was all through imbued with the fear, altogether unfounded, that as the Municipal Bill was a new instrument, conferring popular privileges, the paternal government should uot allow the people to get themselves entirely out of its hands. They must be still kept in leading strings, oblivious of the fact that they had long since been able to take care of themselves in other walks of life, and were therefore, prefectly capable of keeping a wholesome watch and ward over the city and its finances. But monopolists in place and power are everywhere too stern of mood and too unwilling to allow to pass from their hands the smallest of small

power, real or imaginary. Mr. Tucker was, by tradition and training, no exception to the rule. His opposition all through to those sections which contemplated a more liberal measure of civic reform was, therefore, not only intelligible but thoroughly consistent with the views he entertained. Only this, that the subsequent history of Municipal administration by the ratepayers has in every way falsifie all his worst fears.

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## CHAPTER XLVIII.

### THE BATTLE ON THE APPOINTMENT OF THE MUNICIPAL COMMISSIONER—WHETHER BY GOVERNMENT OR BY THE CORPORATION.

WE now come to the most important Section of the Bill round which centred an instructive discussion. We observed before, that the principal point in the debate of the Ratepayer's Association, led in the hall of the Corporation by Messrs. Forbes, Bythell, Mangaldas, Nowroji Furdoonji and Sorabji Shapurji, and in that of the Legislative Council by the three first-named, was directed to divest the Municipal Commissioner of his executive powers. These were persistently attempted to be transferred to the Town Council. Much of the failure of the agitation in this particular respect was, no doubt, owing to a blind following of the old constitution of English vestries. Executive powers as vested in them had been proved to be a complete fiasco. And none more strongly objected to the investiture of executive powers in such bodies than John Stuart Mill. He strenuously advocated the retention of these in a single hand. Divided responsibility was no responsibility. Both in the abstract and in practice the principle laid down by the philosophic author of "Representative Government" was absolutely correct, and the truth of that cardinal axio n has since been amply demonstrated. Colonel Hancock, Mr. Knight and Mr. Mehta were the trio who had manfully advanced the opinion of Mill at the historical meetings of the Bench. The last named had, besides, expatiated on it at great length on the platform of the F. C. Institute. But somehow Mr. Forbes and his colleagues were so infatuated with the belief in their own

nostrum, namely, of a Committee of twelve vested with full executive powers, that they strained every nerve to put into legal form that belief. But they were fated to fail so far.

"Section 42 left the "entire executive power and responsibility" in one Commissioner to be appointed by Government for a term of three years, but eligible for re-appointment. Of course, warned by the laches and the autocracy of Mr. Arthur Crawford, and urged on all sides by public opinion, the Government took care that such wide powers in a single hand should never be abused. To prevent abuse, the section further provided that a Municipal Commissioner shall be removed from office by the Government on the votes of not less than forty members of the Corporation recorded at a Special General Meeting of that body. Mr. Forbes opened the discussion by observing that he felt that the Bill would prove unworkable in practice with so objectionable a section as 42. "We now have the full executive power," said the Honourable gentleman, "lodged in the Municipal Commissioner, while the Town Council, if they consider themselves worthy of the position and confidence reposed in them, will feel bound to make their views heard in the management of the town, so that there will be continual occasions of disagreement and collision between the Town Council and the Commissioner. I should prefer to see it plainly declared whether the Town Council is to submit to the Commissioner or he to the Town Council, this being at present an open question." Mr. Forbes, concluding from the way in which the first Commissioner managed the administration of the City, was firmly of conviction that what a Commissioner of the future may do will not turn out to the advantage of the citizens. On the one hand there will be

found in the Town Council men of business and great experience of the requirements of the ratepayers; while on the other the Municipal Commissioner for the time being would, in all probability, be a man without any experience of Bombay. As a result there will be a conflict of opinion tending to a deadlock of the City's business. This was the deep-rooted apprehension. "For my own part," said Mr. Forbes, "I am far more disposed to put confidence in the Town Council than place it in any single officer, as to whose antecedents, as regards business and experience, we of course, cannot form an opinion." Mr. Forbes, conscious of the fact that it was impossible that the Government could be diverted from its firm purpose of clothing the Municipal Commissioner with full executive powers, and of a certain defeat, put the alternative before his colleagues, namely, that where difference of opinion arose between the Commissioner and the Town Council, the former be obliged to submit to the decision of the majority of the latter. He moved his amendment to that effect. Mr. Forbes pointed out how differences were most likely to arise in the matter of carrying out contracts. The way in which contracts had been given away in Mr. Crawford's time, which eventually engulfed the Municipality in heavy liabilities, could not be lost sight of. "The Town Council might say," remarked Mr. Forbes, that "we are convinced that this can only be done in a certain way, and you must do it in that way, and the Commissioner might entertain a different opinion on this point and do as he chose. The section does not provide for such a contingency." Mr. Ravenscraft pointed out that in another section of the Bill it was provided that all contracts made by the Commissioner shall be reported to the Town Council in a week after they have been made. But Mr. Forbes interposed that the Commissioner, to baulk

the Council, may take it into his head to do the work departmentally, and thus repeat previous extravagance. But Mr. Tucker replied that the Commissioner in such a matter was a better judge than the twelve Councillors. Here was a pretty *impasse*. It cannot be denied that the Commissioner, if he chose, could have a job done departmentally which might not be advantageous to the Municipality. On the other hand, Mr. Tucker's argument was not quite convincing that a single Commissioner, probably imported from the mofussil, and with little of Bombay experience, could be a better judge of a work than twelve Councillors, all local men of business and selected for their great experience. But Mr. Tucker's other point was sound. He observed that in the contingency contemplated the power of purse lay with the Corporation and the Town Council. They could cut off supplies. "The possession of supreme financial control by the Council will enable them easily to check any undue extravagance on the part of the Commissioner. Other official members joined in supporting Mr. Tucker, all being of opinion that the amendment proposed by Mr. Forbes would paralyse the action of the Executive and lead to a deadlock. The Advocate-General said that Mr. Forbes's amendment involved the principle of the Bill which had been already agreed to. To reopen the whole principle is to recast the entire Bill. Mr. Forbes sarcastically observed to those who were so anxious to leave the Executive unfettered, that "one of the evils of the Bill was that it was trying to safeguard everybody" when nobody was safeguarded. He denied that there was any principle running through the Bill. "It is very well to talk of principle, but it consists of nothing else but a series of checks from beginning to end, and the probability is that if it is brought into force it will end in a muddle."

Mr. Bythell in a telling speech, in which he cut up many of the plausibilities of Mr. Tucker and his supporters, remarked, after pointing out the absurdity of the arguments touching the so-called "principle" of the Bill, that "if the Corporation of Bombay are not fit to be trusted with the power of carrying out this Act and deputing their authority to the Municipal Commissioner as their servant, they are not fit to be trusted at all, and it would be much better to have the affairs of the City administered solely by Government....I trust that I shall be pardoned for speaking so strongly but the importance of the subject must be my excuse." This hastened the end of the discussion. Mr. Tucker replied, observing that the principal object of the Bill was "merely to make the former Act more perfect and to remedy its defects so far as they had been demonstrated......It must be remembered that we are working now upon actual experience and not on speculative theories." The amendment of Mr. Forbes was, of course, lost, the officials all voting the other way. There was some further discussion on the number of members at whose instance the Commissioner could be removed for neglect or default. Eventually the President's suggestion was carried, namely, that he shall be removed by the Government on the votes of not less than 40 members of the Corporation recorded at a Special General Meeting. With the passing of section 42 the battle on the Municipal Bill may be said to have come to an end. No doubt there were now and again instructive discussions on the other sections in detail. But this was the most important one on which there was so much agitation outside the Council Hall and so far with its passing the principal cause of the contention was set at rest.

# CHAPTER XLIX.

INSTRUCTIVE DEBATE ON GRAIN DUTY.

NEXT to the discussion on the constitution of the Corporation, the most important debate took place on the subject of taxation, specially on the town duties. House property had undergone so great a depression since the financial crisis in the City in 1865, that owners were not a little sensitive touching the so-called "crushing" burden of local taxation. And as it happened that there were in the Legislative Council in 1872 two most influential and stalwart representatives of this class, there was a prolonged controversy on the incidence of the house tax and other taxes and the classes on whom the different rates should fall. Though the temporary depression which followed that financial crisis was slowly giving way to a normal condition of rents, the two non-official representatives, Messrs. Mangaldas Nathoobhoy and Narayan Vasudev, took the golden opportunity, offered by the ratepayers' successful agitation, to get lifted off the shoulders of the houseowners as much of the taxation as they possibly could. They strained every nerve to get the desired concession in this direction. Practically, they did succeed to a fair extent. But for Mr. Tucker's strong opposition, which in this matter was well grounded, they might have succeeded even better. However, to cut short this part of the debate, it may be observed that the struggle ended with the affixment of a maximum house rate of 7 and a minimum of 4 per cent. This rate was payable by the *owners*. But the police and lighting rates, as well as the

water rate, were enjoined to be paid by the *occupiers.* The police rate was a minimum of 2 and a maximum of 3 per cent. on the annual rateable value of lands and buildings. The lighting rate was 2 per cent.; while that on water was left to the discretion of the Corporation to be regulated "after consideration of the estimate" as to what may be "sufficient for the purpose" of providing for "the maintenance, repairs, extension, improvement and other expenses connected with the Vehar Water Works, or of any other water works hereafter constructed." There was no halalcore cess; neither a fire brigade tax. The fire brigade was to be a municipal organisation of the future. Meanwhile, as of old, the police were to be called into requisition to put down all fires in the city. But with the view of having some kind of fire extinguishing agency under charge of the police and of providing all necessary appliances, the local and foreign fire offices were taxed. The minimum tax leviable in a lump from these was 500 and a maximum of 1,000 rupees. The tax, however, was abolished when the present Municipal Act was passed, and a regular fire brigade under the direct control and authority of the Municipality was instituted. The abolition was decided on the ground that in view of the fire brigade, the local and foreign underwriters would offer lower rates of fire risks to the public. This was pure sophistry, as subsequent events have shown. But this is not the place to expatiate on the mistake of the Legislative Council, which abolished the fire tax on the fire offices. Rates are lowered here in conformity with the instructions of the head offices in London. But it is well-known that these offices themselves have reduced tariff rates there in view of the efficiency of the fire brigade belonging to the London County Council, and yet that body

levies a rate of £35 for every million of gross premia earned by them. The amount so levied from these London fire offices, in spite of the London County Council fire brigade, (which costs to the ratepayers £270,000,) came last year to £35,000. This is a point which Councillors, intent on amending the general taxation, should bear in mind when the occasion arises.

We may now turn to the town duties levied under Act III. of 1872. These were as follows:—

| | |
|---|---|
| Grain of all sorts .. | 4 annas per candy. |
| Metals, except Gold and Silver, Iron and Steel .. | 1 per cent. on Tariff value. |
| Wines and Spirits .. | 4 annas per gallon. |
| Sugar .. .. .. | 1½ per cent. on Tariff value. |
| Ghee .. .. .. | 10 annas per Bombay maund. |
| Timber, excluding Railway Sleepers .. .. | 1½ per cent. on market value. |

As we stated in a previous chapter, these town duties were not decided upon without considerable discussion fom all points of view in the Legislative Council. The Government, no doubt, considered them from the same point of view as the general public; the representatives of the mercantile community from the trade point; and the representatives of the house-owning class from theirs. These last vigorously contended to have their own burden of taxation thrown on, the general public as much as possible. They were partly right and partly wrong in their contention, as will be seen later on. The mercantile representatives fought hard to see that none of the duties degenerated into transit ones, burdening the trade of the port. They were greatly alarmed at the duty of 4 annas per candy which it was originally proposed to levy on cotton, which was the staple commodity of Bombay

exports, the local consumption of the raw staple then being a negligible quantity, owing to the very few cotton factories existent. The Government looked at it from the point of view of the taxpayer. On behalf of these the Hon'ble Mr. Tucker opposed the amendment of the Advocate-General which reserved the power of the selection of the articles and the duty to be levied thereon to the Corporation alone. Mr. Tucker thought that the Government alone should have that power. He laid down an excellent principle in connexion with *octroi*, which Councillors in the Corporation who are now so keen on substituting another schedule of taxable articles for the one now in force, should bear well in mind. Mr. Tucker said: "One of the recognised principles of taxation upon commodities is *not* that every commodity shall be taxed, but that duties shall be placed on a *few selected* articles in general use and *limited to an amount* which presses but lightly on the individual consumers of the articles taxed." This was the principle he rightly and wisely sought to carry out in practice. Of course, there was a difference of opinion as to the advisability of taxing the foodgrains of the working classes. There were some who, following the Cobdenite doctrine of a free breakfast table, then recognised as quite an established economic dogma of the highest importance to the welfare of the labouring masses, were entirely opposed to the duty. There were others who, while conceding the Cobdenite formula, were of opinion that for purposes of a fair incidence, the poor should pay some kind of tax for all the service rendered to them by the Municipality, and that the only article on which they might be indirectly but reasonably called upon to contribute their quota to municipal taxation was grain, the incidence per annum being wholly inappreciable. Mr.

Tucker rightly said that "though as a general rule it is desirable to tax luxuries and not necessaries of life, yet there are special circumstances in connexion with the City of Bombay which justify the imposition of the rate. In India, where the lower classes consume so few articles which may be considered luxuries, it is requisite, if indirect taxation is to reach the bulk of the population, to place it on an article the consumption of which is general, and for this purpose we are compelled to have recourse to an article of food. The rate in this instance has been fixed so low that it affects the price of the commodity to the consumer in a degree so infinitesimally small that the imposition of this duty can give no reasonable cause of complaint." Though Mr. Forbes was against any transit duty he was in favour of grain duty, observing that it was ascertained that every coolie required about a candy and a half of grain in the course of the year, and that the total amount of the tax for a labourer would only amount to about 6 annas per annum. This, then, was the measure of the indirect taxation which the poorer classes would contribute towards the Municipality which, in Mr. Forbes's opinion, could in no way be considered "severe" so far as grain was concerned. Mr. Mangaldas was in favour of the Advocate-General's amendment; but Mr. Bythell pertinently pointed out that, "as owners of house property are evidently desirous of transferring their burdens from themselves to the shoulders of the trade of the place, and as householders are sure to be represented in the new Corporation, I think that the Legislative Council should object to giving the Corporation the power to do anything of the kind and affirm to itself the right of saying what articles shall be taxed. Supposing that the owners of house property should mainly compose the Corporation, it

is not in the least improbable that they would lower the the police rates, the house rates, and the lighting rates, and impose the difference upon transit articles—a power which ought not to be permitted." The Advocate-General remarked that "there are many commodities coming into the City of Bombay which are much more legitimate objects of taxation, and I certainly feel bound to oppose this article remaining any longer in the schedule for purposes of taxation." The President interposed and inquired: "Assuming that this tax does fall upon the poor, such as coolies, do they pay in any way towards the Municipal revenue?" Mr. Tucker replied that "the other taxes do not reach them, and they are benefitted in many ways, especially in the supply of water, for which they pay nothing." Sir Philip then observed: "And yet they get the advantage of protection by the police, of lights, and of the higher wages consequent upon living in a centre of labour like Bombay. In what possible form can they be made to contribute to the income of the Municipality if this tax is abandoned? I think there can be no doubt that if the grain tax is done away with, a large portion of the population will contribute nothing for the advantages which they receive." This observation sealed the fate of the Advocate-General's amendment, and the duty on grain was passed.

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## CHAPTER L.

A PARTHIAN SHOT BY THE PRESIDENT AT THE INTRANSIGEANTS OF THE COUNCIL—STATE OF MUNICIPAL FINANCES IN 1872.

THE length to which the Municipal Bill had been debated, sometimes most warmly, sometimes most acrimoniously, was indeed phenomenal. It is doubtful whether there has been so prolonged a session of the local Legislative Council since 1872.. The second reading began in July, and the Bill did not pass the third reading till almost the third week of October. Mr. Tucker, smarting under the strictures of the press critics, and also under the severe remarks of the representatives of the ratepayers in the Council, reiterated the observation, that the Bill was the best of its kind, after all the changes and modifications to which it had been mercilessly subjected. He was told that even as so modified, the Bill was not deemed a piece of satisfactory legislation. To add to his difficulties, even at the third reading, he was tormented by the Chamber of Commerce and the ratepayers, who both sent in fresh memorials. "Apparently," Mr. Tucker was constrained to observe, "we have not satisfied the extreme views entertained by any of the sections of the opposition who hold conflicting and irreconcilable opinions upon many points; but we have made numerous and liberal concessions to each class of opponents, and have only resisted where it would seem clear that the interests of the entire community would suffer if further concessions were made. . . It is a tentative measure, in the nature of an experiment which is to be tried for three years, and at the expiration

of that period can be altered or set aside, if it prove to be unworkable, and if it do not effect the purposes for which it has been framed." Fortunately, the fears of the extreme party proved ungrounded, as the three years proved how fairly successful was the Act despite its many imperfections. Meanwhile Messrs. Forbes and Bythell continued to decry the Bill, and so, too, Messrs. Mangaldas and Narayan Vasudev; while to add to the vexation of the honourable member in charge, Sir Jamsetji (the second baronet of that name) who was nominated a member of the Council, also joined his voice in condemnation of the ill-starred measure. In vain did Mr. Tucker repeat that the concessions were made "with the view of giving to the people of Bombay a real and substantial share in the management of their municipal affairs, and we have only refused to yield those points on which we felt that any giving way would imperil the future welfare of the city and the State." Where the imperilment was, the opposition observed, they could not see. It lay in the imagination of the Hon'ble Mr. Tucker. Mr. Forbes thought he expressed the public voice of Bombay, which had grown "strong and ample," as the Bill progressed in the Council when he said that the measure "would be disagreeable to the majority of the citizens." He also failed to discern wherein the bill encouraged to any considerable extent "that feeling of public spirit which is most desirable to encourage." The Bill would not increase the confidence of the people in the Government. Mr. Bythell said the bill was a "half and half" measure, pleasing no party. He feared the Act would be a failure and the responsibility of that failure would be at the door of the Government. Mr. Tucker, in his final reply rejoined that he trusted that when the Bill was sanctioned by the Government of India, it might some day, "be found to

possess a higher degree of merit than its opponents have been able to recognise in it." The Honourable gentleman was right, and spoke as a true seer. It came to be acknowledged, as the Act was fairly worked, that it was a success. Curiously enough, neither Mr. Mangaldas nor Mr. Narayan Vasudev put in an appearance on the last day. Their absence was much regretted. The President mildly wound up the protracted proceedings, remarking as to the uncompromising opposition and irreconcilability of Mr. Forbes, that he had been "placed in the position of head of the reform movement in Bombay, and had been sailing before the breeze of public admiration," though he was not certain that the honourable gentleman "was exactly sure of the port to which he was steering. Give the honourable gentleman all that he and his friends want, and the city of Bombay will be withdrawn altogether from British control." This was a Parthian shot, but Mr. Forbes survived it for he had his last word yet, which was to the effect that general assurances of Government are negligible and that he would vote against the Bill. The result of the voting on the third reading was: "ayes," 8; "noes," 3, the trio being Sir Jamsetji Jeejeebhoy and Messrs. Forbes and Bythell.

We have now pointed out all the salient and most controversial points of the measure, how they were discussed, and how they ultimately fared. It will now remain to give a short history of the genesis of the present Municipal Act, which, we dare say, will be found as interesting and instructive as that of its immediate predecessor. But before we conclude this chapter, it may be just as well to give a few points as to the financial position of the Municipality about the end of 1872. That memorable year saw four Municipal Com-

missioners. Mr. Hope continued in office till 27th May. He was succeeded by Mr. Peile (afterwards Sir James Braithwaite). He was in office till 21st October. Dr. Hewlett then acted for a couple of months, till he was eventually succeeded by Mr. W. G. Pedder, one of the ablest Commissioners Bombay ever had, whose memory is still cherished. The revenue was 30½ lakhs while the expenditure was 31 lakhs. The total collection of taxes was as under:—

| | Lakhs. |
|---|---|
| House, Police and Lighting .. .. | 10·36 |
| Halalcore cess .. .. .. | 1·88 |
| Water Rate .. .. .. | 2·64 |
| Wheel tax .. .. .. | 0·87 |

The number of properties assessed was 22,020 and the rateable value was 1·20 crores. The closing cash balance was only 2 lakhs. The public Health Department cost 7·61 lakhs and the engineer's 5·40 lakhs, with a special drainage contribution of 2½ lakhs. Police charges equalled 3·88 lakhs, while the interest charge on loans was 1·76 lakhs. Primary education cost 9,000 Rupees only, while the Municipal liabilities exclusive of Vehar Water works, was 45 lakhs. Councillors of the new century may leisurely contrast these financial statistics of forty years ago with those of to-day, and ruminate on the growth and expansion of imperial Bombay, which now brings into the civic treasury receipts over a crore with a cash balance which once reached nearly one-third of the gross revenue but generally average 20 lakhs.

## CHAPTER LI.

### GOVERNMENT OF INDIA'S RESOLUTION OF 1882 ON LOCAL SELF-GOVERNMENT AND THE ACTION OF THE CORPORATION.

WE now come to the origin and history of the Bombay Municipal Act of 1888 which has been so successfully in operation in this growing and expanding city for the last twenty-five years. Its genesis may be principally discerned in that statesmanlike Resolution of the Government of India, dated 18th May 1882, which has for ever made memorable in the annals of India the Viceroyalty of the good and liberal-minded Lord Ripon. That State paper conferred on the people the genuine boon of local self-government which they have since cherished with feelings of the warmest gratitude. It necessarily contemplated many an important fiscal and administrative change in all parts of the empire, and definitely laid down the broad principles on which the decentralisation of provincial finance for local government should proceed. As by the scheme of Imperial decentralisation certain Imperial items of receipts and expenditure were provincialised, so under this scheme of May 1882, certain items of receipts and expenditure, such as primary education, medical relief, police and other charges, which could be properly borne by municipalities and district local boards, had to be localised. These, in the case of the Bombay Municipal Corporation, demanded important legislative alterations. At first, that body opened correspondence with the Government of Bombay on the subject as early as 1883. At its Special General Meeting, held on 10th January 1883, while considering the budget for 1883-84, the Hon'ble Mr. Vishwanath Narayan Mandlik proposed and Mr. P. M. Mehta seconded the fol-

lowing Resolution of which due notice was previously given: "That this Corporation humbly offers its respectful thanks to H. E. the Viceroy for his noble efforts to systematise and properly direct the measures for the extension and consolidation of local Self-government in India, and expresses the earnest hope that in the Bills now under consideration, the Municipal Laws of Bombay, passed by the Governments of Sir Seymour Fitzgerald and Sir Philip Wodehouse, may be further amended by investing the representatives of the city with a larger and more substantial share in the administration of their own affairs." This Resolution was duly communicated by the Chairman, Sir Frank Souter, to the Government of India, who acknowledged the compliment in the following terms:—"I am desired by His Excellency to request that the Corporation may be informed that he has received with much satisfaction the expression of confidence from a body which has shown itself so capable, as has the Corporation of Bombay, of appreciating and of adequately discharging the responsibilities of local self-government."

Meanwhile negotiations were going on between the Bombay Government and the Town Council as to the best ways and means of transfer of provincial receipts. On 2nd March 1883, the Town Council appointed a committee consisting of Doctor (afterwards Sir Julius) Blanc, and Messrs. Mandlik, M. N. Banaji and Ragunath Khote, "to confer with the Municipal Commissioner and report to the Council, as to the probable amount of the different charges that would be entailed on the Municipality by the transfer to it of the various items of expenditure referred to in Government Letter, No. 795 of 1883." This Committee made its report on 27th April 1883, which was considered at the meeting of the Town Council held on the 4th May follow-

ing. The several items of revenue and expenditure which were to be made over to the Municipality were :—

| | RS. |
|---|---|
| Tobacco Duty.. .. .. | 1,45,920 |
| Liquor Licenses .. .. | 1,43,750 |
| Police Charges .. .. | 2,87,732 |
| Gokuldas Tejpal Hospital .. | 18,400 |
| European General Hospital .. | 70,665 |
| Elphinstone High School .. | 17,628 |
| Victoria and Albert Museum .. | 9,288 |
| Government Middle and Primary Schools .. .. | 17,570 |

There were also certain items of Public Works charges, amounting to about Rs. 12,000. Eventually, after consideration of the above report, Mr. Dosabhoy Framji moved a resolution to the effect that the Municipality would prefer taking over the cost of the Police (Rs. 287,732), as also relieving the Municipality of the yearly payments it makes towards the maintenance of the Gokuldas Tejpal Hospital, to forego the Municipal income from tobacco duty and the liquor licenses, and primary education and sundry public works charges. When this Resolution came up for sanction at the meeting of the Corporation on 16th May 1883, considerable discussion ensued, members having differed as to the items of expenditure to be undertaken. Mr. Shantaram Narayan, seconded by Mr. P. M. Mehta, moved an amendment which had for its object the approval of the Town Council's recommendations with certain minor alterations. Mr. Mandlik, supported by Mr. Javerilal, was, however, dissatisfied with the recommendation and moved that " the Corporation regrets that it is unable to accept the scheme of local self-government inasmuch as by the operations of that scheme, the municipality would in

no way be benefitted financially or educationally, or in matters of Municipal administration generally. The Corporation, therefore, respectfully trusts that Government will be pleased to issue a modified scheme, conceding to the Corporation larger and more extensive powers of local self-government, as intended by the order of the Government of India." It may be interesting here to mention that the Bombay Government was, of all other Provincial Governments, the keenest opponent to the scheme of Lord Ripon, and did its utmost to curse rather than bless it. Hence it would not part with any of its important provincial receipts or to enlarge by legislation the powers of the Corporation. There was, in fact, a tooth and nail struggle in which, however, the Government of India eventually over-powered the recalcitrant provincial authority. But as this semi-political controversy is foreign to the subject of this history we must pass it over. Mr. Dadabhoy Naoroji, who was then in the Corporation, was in favour of a postponement of the consideration of the proposals till the Government of India's scheme for Bombay City was submitted. Dr. Peterson moved an adjournment of the question till 16th June. On that day all the amendments and the original proposition were reconsidered. Eventually Mr. Telang proposed a middle course which was the appointment of a Committee of the Corporation "to consider and report what departments of administration the Municipality should ask Government to hand over to it for management, and how the various outstanding claims of the Municipality against Government should be now settled." This was agreed to, and the Committee formed was representative of the best intellect and experience of the Corporation.

## CHAPTER LII.

### REPORT OF THE CORPORATION COMMITTEE ON THE NEW BILL.

ON the 11th August, 1883, the Committee appointed under Mr. Telang's Resolution of 16th June made their report on the subject of the deprovincialisation of certain items of provincial expenditure for the purpose of the new scheme of Local Self-government promulgated by the Government of India on 1st May 1882. The members comprising this Committee were Messrs. Nowroji Furdonji, R. N. Khote, T. Blaney, P. Peterson, R. M. Sayani, N. V. Mandlik, K. T. Telang, J. N. Yajnik, B. Tyabji, P. M. Mehta, G. Geary, and J. H. Grant. The report was not quite unanimous, there being minutes of dissent from Messrs. Geary, Grant, Mandlik, Javerilal and Mehta. This report, into the details of which it is unnecessary to enter, was discussed by the Corporation on 21st September, 1883, and passed. The Committee, however, was also entrusted with the task of considering, in conjunction with the Municipal Commissioner, what amendments on the Municipal Acts may be desirable in connection with the new scheme. Seven meetings were held at which the several references about the amendment of these Acts were carefully considered. The principal of these were:

1. Whether it is desirable to alter, to any material extent, that portion of the then existing municipal law which related to the constitution and function of the Corporation and the Town Council.

2. Whether the Commissioner should be appointed by Government or by the Corporation.

3. Whether it would be in the interests of the city that the Town Council should become the executive in supersession of, or in conjunction with, the Municipal Commissioner.

The Committee gave their opinion that as far as the first reference was concerned it would be advisable, in view of the growth of population, that the number of the members of the Corporation should be increased from 64 to 72 to be elected and appointed as follows:

| | | | |
|---|---|---|---|
| (*a*) | Elected by Rate-payers | .. .. | 36 |
| (*b*) | " Justices | .. .. .. | 24 |
| (*c*) | " University Fellows | .. | 2 |
| (*d*) | " Chamber of Commerce | .. | 2 |
| (*e*) | " Appointed by Government | .. | 8 |
| | | | 72 |

The franchise should be conceded, irrespective of the payment of rates and taxes, to all graduates of the University of Bombay, the other Indian universities and the universities of the United Kingdom, in all the different faculties of arts, law, medicine, and engineering, and to all barristers, advocates, solicitors, vakils and pleaders of the High Court. The electors of all the first four classes enumerated above, should be entitled to vote for so many members as are to be returned by the electors, and to guard the interests of minorities it was recommended that the cumulative system of voting be adopted. The seats on the different wards were to be equitably redistributed. A voter qualified as a rate-payer in more wards than one should only have the right to vote in one ward. The committee

were not unmindful of the legitimacy and purity of elections. They carefully deliberated on the subject and came to the conclusion that no alteration should be made in the existing arrangement under which the decision of the Chief Presidency Magistrate was final.

As to the functions of the Corporation and the Town Council and their respective powers of check and control, the Committee thought that they should in no way be lessened. A suggestion was made to the Committee that the Commissioner should be the Chairman of the Town Council and that the latter should be the executive authority, *each* of the members sharing with the Commissioner the responsibility for all acts of executive authority. But the Committee wisely rejected the suggestion. The election of the Chairman of the Town Council was recommended to be made by the Council. The Commissioner was of course to remain the chief executive officer and his appointment should continue to be made by Government. The Council was empowered to sanction all contracts above Rs. 3,000. Some of the suggestions embodied in the reports were taken from the draft Municipal Act which the Commissioner (Mr. Charles Ollivant) himself had prepared and for which he was allowed special leave for three months, with a Deputy Commissioner, to transact ordinary administrative business. That Deputy was no other than Mr. Acworth. The Committee observed, in reference to this draft enactment of Mr. Ollivant, that "without binding themselves to every detail" contained therein, it may be safely recommended as a fair model on which an amended Act may be based.

Mr. Javerilal U. Yajnik, however, made a long minute observing that, under the new scheme of Local self-Government there was a necessity to make the Committees of the

Town Council more of administrative or working bodies than they were. He supported the formation of permanent Standing Committees on the lines of the Committees now working in the London County Council. These were also proposed in Mr. Ollivant's draft, but it would seem they found little favour, (and rightly too as we shall explain as we proceed with the further history of the inception of the present Act) and were rejected. Dr. Peterson concurred with Mr. Javerilal, while Mr. Nowroji Furdoonji was strongly in favour of the repeal of the "bludgeon clauses" first introduced into the Municipal Act of 1872. He thought they were "highly derogatory to the Municipality of Bombay, whose motto is *Urbs prima in Indis*." In all some 68 amendments were proposed.

The report came on for consideration at the meeting of the Corporation on 6th December, 1883, when Mr. Nowroji Furdoonji proposed and Mr. P. M. Mehta seconded "that the Chairman be requested to address Government in accordance with the terms of the Committee's recommendations, and to ask that the draft sections submitted with the report may be forwarded to the Legislative Department, for inclusion in the amending Municipal Bill. ......Government be solicited to favour the Corporation with copies of the complete amending Bill as soon as it is ready to be introduced into the Legislative Council." Amendments were proposed to this resolution and eventually it was resolved that the draft amendments be discussed seriatim. The discussion occupied several sittings and was not finished till September, 1884. At the meeting held on the 12th of that month the Corporation eventually passed the revised amendments and directed them to be forwarded to Government accompanied by the remark that in its opinion "the draft amended sections constitute a

fair model on which the corresponding part of an Amendment Act may be based." It was not till 21st October, 1885, the copies of the Amending Bill, as drafted by the Legal Remembrancer, were forwarded to the Corporation. Mr. Mehta was the Chairman then and the letter of Mr. J. Monteath, Under-Secretary to Government at the time, observed " that the Bill has to be submitted to the Secretary of State for India, and that, if it is to be passed this cold weather, it is desirable that the views of the Corporation should be submitted to Government at once." Thereupon another representative Committee was formed, at the instance of Mr. Telang, to make an early report and it was agreed that all discussion meanwhile might be reserved. The report was made and submitted for the consideration of the Corporation at its meeting on 29th January 1886. The principal recommendations were the same as those embodied in the previous Committee's report with a few alterations and additions. The Corporation agreed that the system of cumulative votes should not be adopted —the voter should only have the right to record one vote for each candidate. The quorum was fixed at 20; no quorum for an adjourned meeting. The question whether a Deputy Municipal Commissioner should be at any time appointed, and the selection of such officer, was recommended to be left with the Corporation alone. It was also recommended that the appointment of Controller of Municipal Accounts should be directly vested in the Corporation. The Corporation, however, were not quite enamoured of the draft Bill as prepared by the Legislative Department, for in the concluding paragraph of their report they observed that it was " drawn on lines widely divergent" from those recommended by it after a long and careful deliberation. The Committee considered that the

principles contained in their letter to Government of 10th October, 1884, "were sound in theory and carefully and cautiously founded on the results of their working ever since the formation of the present Municipal constitution." The report was approved and adopted and the Chairman requested to forward it to Government.

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## CHAPTER LIII.

### GOVERNMENT OBSTRUCTION AND THE CORPORATION'S RESPECTFUL REMONSTRANCE.

FROM 18th May, 1882, to 5th March, 1886, was indeed a long interval of almost four years. But such was the public spirit of the Corporation of the day on the one side, and the obstructive character of the Government of Bombay on the other, that necessarily a great deal of the interval was consumed in circumlocutory correspondence. The law's delays are proverbial; but it would seem that the delays of "Bombay Castle" in the matter of the amendment of the Municipal Act of 1872 were unconscionably provoking. Further dilatoriness was inevitable, evidently owing to the reluctance of the Government to widen the foundations of civic government, and enlarge the liberty of the ratepayers in the management of their own affairs. Moreover, there was the new Governor, Lord Reay, who, though a philosophical Radical in politics, was yet cautious and conservative as far as this matter was concerned. He was desirous of studying for himself the broad principles underlying the Corporation's amendments. Under the circumstances it was inevitable that the Municipal Bill Amendments should progress with the pace of the snail.

Nothing was heard between March and July 1886. Naturally, the Corporation, fully conscious of the imperative necessity of quicker and decisive action on the part of the Government, gave expression to the impatience felt at a meeting on 5th July in a resolution which ran as follows: "That in view of the protracted delay there has been in the

passing of the amended Municipal Bill, the Chairman be requested to ask Government to favour the Corporation with copies of the Bill, as now amended, at as early a date as possible, in order that members may have an opportunity of making any representations on the sanitary and other provisions of the Bill generally, between this time and November next, when it is understood the Legislative Council will have the Bill before them, and in order to save much valuable time, by placing the measure before the Legislature in such a form as will ensure its having the concurrence of the Municipality." It will be seen from the tenor of the resolution how anxious was the Corporation to be forearmed with its criticism and objections, while the official policy seemed to be to give it as little opportunity as possible, if not to baulk altogether, the discussion of the amending sections of the new Bill prior to its introduction into the Legislative Council. The Corporation of 1887 had had an extremely unpleasant experience of the way in which the diplomats at Bombay Castle delayed furnishing copies of the Bill till the Bill itself was introduced into the Legislative Council!

On 12th August, 1886, spurred on by the Corporation Resolution just referred to, Mr. Under-Secretary Atkins replied to the effect that six copies of the Bill, as originally drafted, were sent to the Commissioner as long ago as 21st October, 1885. But the Corporation "after very considerable delay" sent its report for further consideration of Government. The draft measure had thereafter to undergo alterations in important particulars and, "in accordance with practice," must be submitted for approval to the Secretary of the State. "It is undesirable that there should be any further delay in obtaining the sanction of the Secretary of State to the introduction of the Bill.

When that sanction has been obtained the Bill will be published in the usual manner and the Corporation, or any individual members of that body, will have every opportunity of expressing their opinions on its provisions."

Further correspondence ensued. Meanwhile it came to pass that there was a feeling of some dissatisfaction among the members of the Corporation themselves as to the delay in replying to a letter of Government of 12th January, 1887, which referred to a point raised regarding consolidated rates. Sir F. Souter gave a notice of motion asking for the reason of the delay. This motion was to come off on 2nd June. But on 21st May Captain Selby, a most public-spirited member who was greatly instrumental in moulding the amended measure, sent to the Clerk of the Corporation a precis showing that there was no delay whatever. The dates are be interesting :—

Appointment of a Committee of the Corporation, 28th March, 1887 ;

First meeting of the Committee so appointed 1st April, 1887 ;

Rough draft forwarded to the Clerk of the Corporation, 4th April, 1887 ;

Second and Final Meeting of the Committee, 18th May, 1887 ;

Report forwarded to the Corporation, 19th May, 1887 ;

Thereupon Sir Frank withdrew his notice and the little storm in a teapot was happily averted.

On 9th June, 1887, the much discussed Bill again came on for criticism. The Corporation resolved on that day to request the Chairman "to write and ask Government to furnish him with 64 copies for distribution to the members, and further to request that Government will be pleased to delay further consideration of the Bill till the

Municipality have had time to consider it carefully." The reply of Government, dated 28th June, was to the effect that the Bill (No. 4 of 1887) was published in April in the *Bombay Government Gazette*, and although "Government have no wish that the Bill should be passed with undue haste or without full consideration, it is not expedient that there should be any unavoidable delay in proceeding with it. It is, therefore, proposed to take the first reading of the Bill and to appoint a Select Committee to consider it at an early meeting of the Council, and it is hoped that the Select Committee may be able to submit these Reports in time for the second reading to take place in Bombay in the early part of the next year.

Thus land at last was in sight. After great many vicissitudes, extending over five years and upwards, the new Bill was resolved to be introduced into the Legislative Council, though the real discussion on its many important and far-reaching provisions was yet to take another six or eight months. But the Corporation now thought that, looking at the draft Act as a whole, there would be no danger in the delay. It then proceeded on the motion of Mr. Javerilal to resolve as follows :—

"That this Corporation do form itself into the Committee of the whole house at as early a date as convenient to consider in detail the provisions of Bill No. 4 of 1887 entitled, 'City of Bombay Municipal Bill, 1887,' and that arrangements be made for holding special meetings of the Committee for the purpose, and that fifteen members form a quorum at such special meetings."

Captain Selby was appointed Chairman of this Committee which was authorised to form Sub-Committees to take legal advice and to call for municipal papers and persons as may be necessary. On 13th October, a further

Resolution was passed, stating that the Chairman be requested to inform Government that the general Committee of the Corporation had nearly completed its task, and that the Corporation would soon have the opportunity of addressing Government on the subject. It was also prayed that pending this matter the Government would be pleased to request the Select Committee not to proceed with its consideration. At last the Corporation was able to send its criticism on 25th October, 1887, to which reference is made in the next chapter.

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## CHAPTER LIV.

### FIRST READING OF THE BILL OF 1887-EXTREMELY CONCILIATORY ATTITUDE OF LORD REAY'S GOVERNMENT.

BEFORE we refer to the criticism which the Corporation passed on the draft Municipal Bill of 1887, it is essential to inform the reader, at this stage, of the proceedings of the Legislative Council on the occasion of the first reading of that important measure at Poona, on 16th July, 1887. The late Sir Maxwell Melville and Mr. J. B Richey were the two members of the Bombay Government which was then presided over by Lord Reay. Both the late Mr. Telang and Sir Pherozesha M. Mehta were the non-official members of the Legislative Council along with Mr. (now Sir Frank Forbes) Adam, and the late Kazi Shahabudin and Mr. W. Barve. Mr. Naylor, the Legal Remembrancer, on whom had fallen the brunt of the arduous work of drafting the Bill, containing as many as 528 sections, was in charge of it. Mr. Ollivant, who had been assisting him, was so far overworked that he had to leave for Europe for a change before the measure was introduced into the Council. From the very date of its publication, the Corporation had fought shy of it and determined to subject it to an independent vivisection of a wholesale character which the practical experience of the working of Act III, of 1872 properly suggested. So, too, had the ratepaying public. The draft Bill was everywhere pronounced to be a retrograde measure and conceived in a spirit which had for its motive rather narrowing than enlarging the scope of local Self-Government to which Bom-

bay was entitled after its great success therein for twenty-two years. That success was more than once acknowledged not only by the Government of Bombay and the Government of India, but by successive Secretaries of State. Hence the citizens keenly felt the illiberality of the amending measure and were not slow to resent it. Fortunately, they had in the person of Messrs. Telang and Mehta two sturdy representatives in the Council on whom they confidently relied to win for them larger concessions and privileges, to which they were entitled, than those offered. Both, again, were the only non-official representatives, with the exception of Mr. Forbes Adam, who had large experience of the actual working of the Municipal law. And even among them Sir Pherozesha had acquired the largest and most minute experience, as Mr. Telang himself testified when referring to him in the speech he made at the first reading of the Bill. He had sat in the Corporation consecutively for 18 years, counting from 1869. Unique as is the Municipal experience of the *doyen* of the Corporation to-day, it was unique even then in more ways than one. On many a critical occasion Mr. Mehta had been known to have taken a more active part in the deliberations of the Corporation than his distinguished colleague. At the same time it may be observed, in the interest of truth, that in Mr. Naylor the Council had a perfectly fair and open-minded sponsor who was ready and willing to hear all objections and attend to all such improvements as were suggested. If in spite of his spirit of fairness the Bill outside the Council Hall was generally condemned for its retrograde character, it was not his fault. He had no experience of municipal affairs. He readily admitted that he had almost wholly to rely on Mr. Ollivant for all information as to the practical working of the Act which he

was instructed to amend. It is quite possible to conceive that had he the advice of the two non-official members along with that of the Municipal Commissioner, the first draft might have come from his hand a more satisfactory and liberal piece of legislation than what it actually was.

In introducing the Bill, Mr. Naylor at the very outest candidly observed that he "did not claim to be in any special sense the representative of the city." He fairly described what the object of the new legislation was to be. It was to be "the perfection of municipal government, the attainment in the highest possible degree of those conditions which will secure to the inhabitants of the city, health, convenience and comfort, and which will enable the city to maintain its place among the finest cities of the world without imposing upon the people undue taxation." Mr. Naylor then passed on to a brief narration of the history of Municipal Government in the city from 1793—the same that we have at great pains already recorded in these pages. We may pass it over as well as the statistics of progress he submitted for the edification of the Council, and the account of the correspondence between the Government and the Corporation to which we have already referred, and come at once to the crux of his harangue. Speaking on the whole tenor of the draft Bill, he said "that the object kept in view in every chapter is to secure to the citizens of Bombay the greatest possible efficiency in municipal services with the most complete possible control over expenditure." We shall show later on how far the object was deemed satisfactory by the Corporation. But Mr. Naylor admitted that many of the provisions in the chapters relating to drainage, water supply, buildings and sanitation "are strict perhaps, even severe." He, however, hoped that

should some of them be objected to in the Select Committee as unsuited to the social and domestic conditions of the average man in the city, he would be ready and willing to modify them.

As to the constitution of the Municipality, Mr. Naylor informed his colleagues that "great care" had been taken in framing Chapter II. which treats of the sudject. The respective duties and powers of the Corporation, the Standing Committee and the Commissioner were so defined as to be "clear and free from ambiguity," and as to the constitutional changes, he added, that they were not of a radical character. He was not aware that any application had been made by the ratepayers or by the general public for any change. But with a view to assimilating the English models, he had so far altered the Town Council as to make it distribute its work into Sub-Committees, "each of which, with the Municipal Commissioner as Chairman, should have charge of one or more branches of the executive work of the Municipality." As the fates would have it, this alteration in the first draft, which was submitted to the Corporation, was disapproved of by a large majority. But here it may be just as well to allow Mr. Naylor to speak in his own words: "This view commended itself to me, as being an important step in the direction of real self-government, and the first draft of the Bill was devised to give effect to it. That draft proposed to deprive the Commissioner of the sole executive authority, and to vest such authority in Sub-Committees of the Town Council, of which the Commissioner would be the Chairman. The draft was referred by Government to the Corporation, for the favour of their opinion, but that body disapproved of the proposed change. Government did not press the new departure, when those in whose interest it was suggested

were unwilling to accept it, and the Bill had therefore to be entirely recast." It was lucky that it was recast, and that wiser counsel, suggested by experience and the condition of public life in Bombay, prevailed. For, otherwise, those Committees would have soon proved a huge failure and obliged the Government to abolish them by fresh legislation. But it will be asked why the Corporation disapproved of this part of the scheme of a revised Municipal constitution. The answer may be given again in Mr. Naylor's own words. "It appears that there does not exist in Bombay the class of gentlemen upon whom Municipal institutions in England so greatly depend—gentlemen who are both able and willing to devote a considerable share of their time and attention, without remuneration, or for comparatively little remuneration, to local public affairs, and to incur the responsibility which participation in the conduct of such affairs necessarily involves." More! It was pointed out that apart from the paucity of the right and proper men, the proposed Sub-Committees would have worked perfunctorily, with the net result that the Municipal Commissioner, as the Chairman of each, would have carried everything at his own sweet will, while the responsibility would have been in a large measure thrown on the members composing those Committees. Even jobbery was apprehended, and it was therefore wisely thought that such Committees might well be left alone.

The amended sections of the constitution also contemplated curtailment rather than enlargement of the powers of the Corporation. It was simply to be a co-ordinate authority with the Commissioner. It was not enacted, as is the case in the Act now, that the entire Municipal administration of the city should vest in the Corporation and in the Corporation alone. Mr. Naylor

was quite aware of the strong views held by the leading members of the then Corporation on this vital question. Hence he was frank enough to say that he was "not prepared" to concur in all the allotments of authority in the Bill. "It is very likely," observed he, "that after interchange of views with the honourable members who will form the Select Committee, my opinion will change even in respect of some of the instances in which at present I think the Bill is right." Lastly, it may be observed, that such was the adverse criticism pronounced in the leading press against the Bill, that Mr. Naylor, no doubt under inspiration from the authorities, endeavoured to becalm popular agitation by observing as follows: "The Bill has been drawn with the full knowledge that it will be very widely discussed by the public and by the Corporation, and that many changes and improvements will be suggested before it is finally passed. I am not instructed that it is the desire of the Government to adhere to any particular provisions of the Bill, if it can be shown that some other would be more suitable or more workable.' The Government of Lord Reay, with such an experienced councillor as Sir Maxwell Melville, warned by the stormy vicissitudes which overtook the previous Act, piloted by the bigoted Mr. Tucker, were no doubt unwilling that their measure should share the same fate and that they should incur popular indignation. They were intent on conciliating rather than offending public opinion of the first city in India, and, therefore, acted wisely in keeping an open mind to accept such reasonable and practical suggestions as the experienced representatives of the public in the Council may deem proper to recommend.

## CHAPTER LV.

TRENCHANT CRITICISM OF MR. TELANG—WANTED A STRONG EXECUTIVE RESPONSIBLE TO THE CORPORATION AND AN ENLIGHTENED CORPORATION TO WATCH THE EXECUTIVE.

MR. NAYLOR was followed in his elaborate introductory address by that "*beau sabreur* of native intellectualism," (to use the words of Mr. James Maclean) the accomplished and versatile Mr. Telang, whose untimely death, in the very prime of manhood, is still so deeply lamented by the citizens of Bombay. He deemed the occasion so important and the measure of such wide-reaching effect, that he was impelled to make a few observations on the general principles of the Bill. In the opinion of Mr. Telang, it was "impossible to perceive" how that measure, framed in the manner it was, could be said to harmonise with the views expressed by Mr. Naylor regarding the success of Municipal Government. "Looking at the Bill as a whole, I must say," remarked Mr. Telang, "that I consider it to be a retrograde measure—so retrograde, indeed, that if on voting I had to make my choice merely between this Bill and the old law, I should unhesitatingly give my voice in favour of the law as it at present exists, with all its anomalies, its laxities of phraseology and its conflicts of jurisdiction." Those fully conversant with the details of the present enactment would be easily able to imagine for themselves from the observation just quoted to what extent it must have been retrograde.

Referring to Mr. Naylor's remark about the wholesale rejection by the Corporation of the divers Executive Committees of the Town Council, which his own ingenuity, combined with that of Mr. Ollivant, had devised, Mr. Telang observed that he was fully prepared to take his share of the responsibility of that rejection. The position taken up by that body was not only intelligible but extremely rational. He was so deeply convinced of the then circumstances of Bombay and its society that he was quite sure such committees could not have at all worked successfully. They would have either proved obstructive to efficient executive action or a "perfect sham and delusion, preventing responsibility being imposed upon the person on whom it ought properly to rest." These were brave words but their absolute accuracy could not be gainsaid.

Next Mr. Telang disapproved of the provision which contemplated making the Commissioner a member of the Corporation. It is indeed astonishing how such a section ever came to be thought of and included in the Bill. To enfranchise the Executive as a Councillor was to make that officer practically the predominant partner and to toll the death knell of that government which the citizens had for fifteen years managed, without official control, with such consummate success. Observed Mr. Telang: "It seems to me that no sufficient reason has been shown, and none can be shown, why the position of the Municipal Commissioner at the Corporation should be altered from what it is at present. The true principle which ought to guide us is that the Municipal Commissioner should be merely the head of the Municipal Executive. It will not do to make him an integral member of that body." The reason suggested for the proposal was that the Commissioner's attendance was essential to answer queries. The principle under-

lying it was radically wrong. It would never do, argued Mr. Telang, to mix up the head of the Executive with a purely deliberative body like the Corporation. The Hon. Mr. Mehta was not present in the Council at the first reading of the Bill; but Mr. Telang stated that in this matter he had been in communication with him, and his views were generally the same as his own.

Another serious objection lay in a new section (379) which had been introduced into the Bill to the effect that whenever the Commissioner chose to certify to the presiding authority that a certain business should be finally disposed of at once in priority to all others, the said business should forthwith be considered. Mr. Telang stoutly resisted giving such a whole-sale power to the Commissioner. "It comes to this," said he, "that the Corporation is not to be trusted to decide whether a matter is so important that it should be disposed of by the members present on the occasion." It was tantamount to a want of confidence in the Corporation and an unlimited trust in the Commissioner! Mr. Telang likened the effect of the provision, if allowed to be carried, to "Lord Protector Cromwell sending about their business the Commons of Great Britain."

The next objection referred to the Joint School Board. The provision in regard to it was such that it bound that Board hand and foot to Government rules altogether in the matter of primary education. As an ardent advocate of the advancement of elementary instruction in the city, Mr. Telang strongly resented the provision, and his remarks on this subject deserve to be fully recalled at this juncture, when it is known that even till late the Joint School Board was greatly hampered by the precious rules of the Department of Public Instruction. "I do not think the

Government grant in aid rules to be the *ne plus ultra* of educational wisdom. The Corporation may, perhaps, be able to suggest alterations and improvements in them. But if we cannot, as we frequently cannot, get Government to see as we do, I do not understand why we should nevertheless be entirely bound by the rules made by Government. This provision, therefore, seems to be in itself unjustifiable, and it also betokens a want of confidence in the Corporation."

Mr. Telang next directed his well-reasoned criticism against the provision which prescribed the obligatory and discretionary duties of the Corporation, after pointing out the many inconsistencies of this clause with other clauses of the Bill, such as those relating to sewers, drains, water-works and so forth. In the opinion of that gentleman the keynote of the entire measure was to be sounded in that clause. "The result of it is that the one municipal authority whose powers are deliberately left indefinite in the Bill is the Municipal Commissioner," yet it is his powers, before all others, that ought to be strictly defined." This was well said. Mr. Telang only echoed the opinion of the Corporation of the day on the clause. He further remarked that if any authority within the Municipality ought to be omnipotent, it should be the Corporation. Thanks to him and the Hon. Sir P. M. Mehta, especially to the latter, the supreme authority of that body was eventually asserted and recognised in the Act. But on this point we shall dilate at length later on. Suffice it to say, Mr. Telang traversed in brief many other sections of the Bill, sanitary ones particularly. He also animadverted from the lawyer's point of view on the penalty clause which he wished to be carefully reconsidered. He reiterated his opinion that the Bill was of a most retrograde character, and laid in a nut-shell before his colleagues his "beau ideal" of what

Municipal Government in the city should be, namely, "a strong executive responsible to the Corporation, and an enlightened Corporation watchful over its executive." Local Self-government is a sham if no trust is reposed either in the Corporation or the Town Council. If popular Government cannot be trusted to cope with all the necessities of that pre-eminent position, let us abolish the Municipality altogether, and let us have a stong administration and rule by means of the Governor-in-Council." This vigorous opinion tells us of the intense depth of the feeling prevalent at the time among the most enlightened and leading gentlemen of the city with regard to the extremely re-actionary nature of the Bill. But the strong words of the strongest member of the Council were not lost upon that body. It made a profound impression on the members of the Government who were obliged eventually to give way.

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## CHAPTER LVI.

### CRITICISM ON THE BILL BY OTHER MEMBERS AND LORD REAY'S DEFENCE OF HIS GOVERNMENT.

THE Advocate-General, Mr. Latham, speaking from a citizen's point of view regarded the Bill on the whole as an "extremely satisfactory measure." From the "limited" attention he had been able to give to the Bill, it seemed to him to be "most logical in its arrangement, lucid in its composition, and in its matter well adapted to the conditions and requirements of life in Bombay." This, indeed, was rather too optimistic a view to take of a measure when those practically acquainted with the working of Act III. of 1872 unanimously condemned it as a backward piece of legislation. So far as the Bill contemplated the repeal of the previously existing cluster of eleven enactments, which, according to the Advocate-General, were "a perfect chaos of inconsistencies—repositories, in fact, of legal conundrums," and which gave substantial occupation to members of his profession, nothing could be said. It was good that the old Acts were swept away by the new piece of legislation. We may also agree with the Advocate-General as to the symmetry and design displayed by the accomplished draftsman. But it was the language of inexperience of the practical working of the old Act which gave expression to the thought that the Bill was "well adapted to the conditions and requirements of life in Bombay." It was owing to the patent fact (so ably pointed out in the exhaustive speech of Mr. Telang)

that it did *not* contain the conditions and requirements suited to the progress which the citizens of Bombay had creditably made in the management of local affairs that it was pronounced "retrograde" in its character. The Hon'ble Mr. James, when introducing, some years ago, the District Municipalities Bill in the local Legislative Council, magniloquently referred to the many provisions of that enactment of a progress both in the powers of the Municipalities and in their constitutional privileges, when, as a matter of fact, they were almost curtailed. That was no doubt "progress" of a kind—a progress backward, and an attempt to set back the hand of the dial. The Hon'ble Mr. N. G. Chandavarkar was so far puzzled by the remarks of Mr. James that he boldly inquired where lay the germs of the progress referred to. On his part, he was obliged to confess that what was euphemiously characterised as progress was simply retrogression. That was exactly the opinion expressed by members of the Municipal Corporation of 1887 and other enlightened ratepayers in the city as to the symmetrical handwork of Mr. Naylor which had so charmed the inexperienced Advocate-General. That that officer was wrong and that the Corporation and the public were right was conclusively demonstrated when, in the Select Committee, the symmetrical work of Mr. Naylor had almost wholly to be recast by the dry light of the public criticism which was passed on the original measure. Even 25 years ago a certain class of our citizens, who had no knowledge or next to no knowledge of the good, solid, hard work done by the Corporation, was not slow to indulge in the same cant in which *ad nauseam* a similar class in the city indulges to-day, namely, too much talk. It is indeed astonishing that men of culture, otherwise business-like and practical, should forget the

simple fact that in all walks of life, from the highest to the lowest, in the most solemn and dignified of legislative and other assemblies, in the law courts, in the merchant's office, the bank parlour, and elsewhere, no business could be satisfactorily transacted without a fair and reasonable amount of talk. Why, when reforms are pressing, do our pressmen talk, and talk eternally, from day to day, and week after week, till the subject under discussion has received satisfactory treatment! Of course, excess of talk, talk for talking's sake, without rhyme or reason, is certainly to be deprecated. That, indeed, is an abuse of debate or discussion. But to assert wholesale that a Corporation is a talking machine and that it must therefore be proscribed is to use the language of the impractical and the unreasonable. Talk, whether sublime, and eloquent, whether good or bad, whether indifferent or humdrum, is primarily essential in all deliberative assemblies, if anything like a reasonable solution of many an intricate question is to be arrived at in a business-like way. It would be ridiculous to conceive of mute or automatic parliaments, Municipal Corporations and Legislative Councils, and hence the Advocate-General was talking without his text when he, in a talkative mood himself, stated that in the Bombay Corporation "there has often been a great deal more talk than real work." But he had not much to say in reply to the trenchant criticisms of Mr. Telang. As to the sub-Committees which were to be presided over by the Commissioner, he had only to remark that he would have been inclined to support the scheme of Committees with executive powers, but he "should have done so with considerable misgivings." This in reality was giving away the whole case in support of the measure to which he wanted to give his hearty concurrence. For it was this

part of the constitution which hopelessly broke down in the Select Committee.

The Honourable Sir Maxwell Melville, than whom we have not had a more level-headed, judicial and statesmanlike member of the Council of the Bombay Government for many a year, followed the Advocate-General, observing that he did not think with Mr. Telang that the Bill was so "monstrous" a measure as he described it. The Corporation and the Town Council were not "attenuated of their powers and privileges" as asserted by that legislator. After a few remarks touching the appointment of a Deputy Commissioner, Sir Maxwell resumed his seat.

The President, in winding up the debate on the first reading, regretted that the Committee clauses were unceremoniously checked out by the Corporation. "That proposal was made by Government," said Lord Reay, "in real earnest, and as far as I am concerned with a sincere wish that the experiment should have a fair trial and I may add—perhaps because I have not been so long in the Presidency as the Honourable the Advocate-General—without any misgiving." He would not criticise the reasons which led to their rejection; but under those circumstances Mr. Telang could not lay at the door of the Government the charge of having displayed a retrograde disposition towards the Bill. "Government," said he, "was so progressive that the Corporation was not prepared to follow it. I am not contending that the diffidence of the Corporation was unwise. But our original offer should guarantee us from any taunt that we are imbued with retrograde proclivities." Evidently, the Government had been touched in its tenderest part, and a Governor, who had come with the reputation of a philosophical Radical of a pronounced type could not sit quiet, and be reproached for his re-

actionary tendencies in the matter of local self-government. But it was pretty freely known from the strong attitude taken by the Corporation and the influential public at large, that the Government would not persevere with many of the objectionable sections of the Bill which *were* admittedly retrograde, compared with those in the Act which were to be superseded, and that the Select Committee would be the golden bridge across which it will voluntarily retire with grace.

## CHAPTER LVII.

### SOME MOST OBJECTIONABLE SECTIONS IN THE CONSTITUTION TO SUBORDINATE THE CORPORATION TO THE COMMISSIONER.

THE next point to which the Corporation drew the attention of the Legislature had reference to the power essentially necessary for it to obtain information on all technical matters from the best sources and to take the best opinions. This power was asked for on the ground that though information might be obtainable from the Commissioner, that officer could not be considered as "the best authority" on such matters. In fact, the Corporation urged that "it is impossible for the Commissioner, whose own information is second-hand, to be as capable as those whose work it is to deal with the subjects under discussion." The Corporation did not object to the Commissioner being allowed the same right to speak as a member; but it thought that it would be better if he were also placed in the same position, and simply bound to give information when required, in the same manner, as any other executive officer. It further repudiated the view taken by the Select Committee that members were apt to form conclusions on incorrect or distorted or exaggerated data. "Data on which the Council act," said the Corporation, "are data provided by the executive, and if in the midst of argument an exaggerated statement were made, it could be corrected by those in charge of the proposition. Experience, however, has not shown that the Corporation form conclusions on exaggerated statements, not even when

they have been made by the Commissioner himself, with the weight attached to his speech as being that of the principal executive officer." The Corporation could not understand how the Select Committee could be consistent as regards the power and responsibility of the Commissioner, when in one breath they speak of him as an executive officer only, and in another treat him as an administrative officer independent of the Corporation he serves.

Next, the section appertaining to the appointment of a Deputy Municipal Commissioner was greatly objected to. If the Commissioner were an active and energetic officer, who was not prone to leave his every-day work in arrears, there could be no necessity whatever for a Deputy. It was, again, giving a further piece of patronage—his appointment—in the hands of Government. If there was any cogent reason shown that the creation of the appointment was essential in the interest of the public, then, the Corporation urged, it should be left open to it to do the needful. Otherwise the arrangement was arbitrary.

Next, the Corporation was so jealous of its own independent authority and power that it strongly objected to any arrangement such as would entitle the Government to consult with the Commissioner *without* the intervention of the governing body. By all means let the Government obtain all legitimate information to which it may be entitled; but let that information be obtained through the Corporation and Corporation alone. The Select Committee not only paid no attention to this important constitutional point, but aggravated the mischief by making an addition to the section applying thereto, that *any* Municipal authority on being called upon by Government may supply whatever information was wanted! This was like leaving too much in the hands of the Government and the arrange-

ment was fraught with the greatest mischief to the independence and supreme authority of the Corporation. The sentence in which that body objected to the mischievous section may as well be quoted, to demonstrate how tightly the Government had tried in the Bill to draw the cordon round the powers of the Corporation and how it had left illimitable power open to itself. "The Corporation most strongly objected to information being given to Government without their approval or their having the chance of stating whether they consider it accurate, and still more strongly do they object to any authority subordinate to them advising Government *without their knowledge and possibly in a sense antagonistic to their view.*" The reader will at once perceive the danger apprehended, and rightly apprehended, by the Corporation, in the words we have emphasised.

There was another clause in the Bill as amended by the Select Committee, that the Municipal Commissioner should be a member of the Port Trust, and also a member of the Local Legislative Council! On both points the Corporation expressed its disapproval of the proposed arrangement on the reasonable ground that in the interest of the Municipality the Commissioner should devote his whole time and attention to his proper work. It was pointed out that, in nominating the Commissioner to act as a Port Trustee, the Government was contravening Section 43 (*a*) of Act III of 1872. The very fact of its attempting in the new legislation to make provision for the appointment of the Commissioner as a member of the Port Trust, conclusively demonstrated the illegality of its previous action. The Corporation had another grievance of a similar character. "The Government," it observed, "also without any reference to the Corporation appointed him

(the Commissioner) a member of the Bombay Extension Committee. The Corporation object to Government appointing any officer paid by them to any post without their express concurrence; they cannot admit that any person not elected by them can be considered as representing them." But its remonstrance against the Commissioner becoming a member of the Legislative Council was even more emphatic and just. "On the Legislative Council, the Corporation are of opinion that the Commissioner would not in any way represent them, but would probably oppose them (as illustrated by the original draft of the Bill), and his position as a member of that body would tend to obscure in his mind the fact that *he was a subordinate of the Municipality*. Happily this clause had to be eventually abandoned. But since then the City Improvement Act has come into operation, and under one of its provisions, the Commissioner is made an *ex-officio* member of the Board. This is again an anomaly against which, however, it is a matter of regret the Corporation did not raise its voice. However, it is not much to blame. The draft Bill of the Improvement Act did not come into the possession of the Corporation till it was practically introduced into the Legislative Council when its many ill-drafted and ambiguous provisions had to be hastily considered. If there are four representatives of the Corporation on the Board to represent the views of that body, where was the justification for nominating the Municipal Commissioner? And whom does he represent? If the Corporation, then he is bound to urge the views of the Corporation. But the plain fact is that he sits at the Board as an independent officer by virtue of his office and often votes in opposition to the views of the Corporation. Two latest instances may be here referred to. The Corporation

had distinctly pronounced itself against the widening beyond 60 feet of the new road from the Hindu-burning ground to the foot of the Carnac Bridge; and it had unreservedly expressed its disapproval of the Colaba Reclamation Scheme. Yet, in reference to the first, the Commissioner urged his own views at the Trust Board, namely, to have the road as far as Kalbadevi 80 feet wide, and with regard to the second he went with the other official members in giving his adhesion to the Reclamation Scheme. Most flagrant instances of a similar character have been noticeable from time to time the principal of which is his acquiescence in the project of a new broad road in Memonwadhe as far as Pydhonie north, against which the residents and citizens at large had protested. It is on record that on this question the Corporation was greatly divided. In this way the Commissioner has acted contrarily to the expressed opinion of the Corporation. The awkwardness and inconvenience of such *ex-officio* appointments are manifest. And the Corporation should always be prepared to enter its legitimate remonstrance against this kind of action on the part of the Government, which some day is certain to lead, with a head-strong and defiant Commissioner, to serious conflict between the two authorities.

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## CHAPTER LVIII.

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STRONG FIGHT FOR THE CONTROLLER OF ACCOUNTS, WHO SHOULD BE INDEPENDENT OF THE COMMISSIONER.

ANOTHER constitutional point which greatly vexed the members of the Corporation of 1887 was the provision embodied in Section 65 (*b*) of the Select Committee's revised Bill, that the Commissioner shall not be bound to comply with any requisition if he shall certify that, in *his* opinion, it would be prejudicial. The provision was deemed undesirable. The Corporation had no objection to negotiations concerning loans and such kindred matters being kept confidential, but had very great objections to the withholding by the Commissioner of correspondence which could do no harm or prejudice the interests of the Municipality in any way. To the argument urged in the report of the Select Committee that the Commissioner was most unlikely to certify in writing that he was unwilling to produce the correspondence without good and weighty reason, the Corporation replied that it was unusual, in the first instance, to legislate on such a matter at all, and in the second instance, the power proposed to be given was liable to be abused. A Commissioner, of a headstrong character, might, for his own purposes, defy the Corporation and withhold correspondence which, if produced, might invite strong criticism, if not rebuke. While there was much in the objections raised, it seemed as if that body only considered the matter from its own point of view. It entirely escaped the Corporation that at times there may

be members of that body who, for their own personal or other interests, as distinguished from purely public interests, might abuse their own privilege and bring harm to the Municipality, were there no such provision as was inserted. This was the other side of the question. Anyhow, the Corporation of the day had possibly no such prescience as to conceive its successors being cast in a different mould from theirs—successors who might on any and every occasion demand production of correspondence without good or sufficient reason. Judging from certain very recent events of this nature, it is indeed clear that the Legislature had exercised on the whole a wise discretion in retaining this section for the safety of the Corporation itself.

Equally captious was the objection of the Corporation to raise the maximum salary of the Commissioner to Rs. 3,000. Even in 1887 that body was not unaware of the growing work of the Municipality in all its branches and of the difficulty of Government in securing for it a really competent and able civilian to conduct the duties of Commissioner. The labourer is worthy of his hire. And it would have been a fatal economy had the maximum salary been fixed at Rs. 2,500. But corporate bodies everywhere are eccentric. At times their conscience grows extremely economical. While this temper lasts, it keeps one of its eyes shut and views all things in that condition. All reasonable proposals, involving larger expenditure, are then thrown out. At other times it gets into fits of extravagance and passes everything, be the proposals ever so fantastic or useless or improvident. A Commissioner, who knew well the weak and strong points of a Corporation, could play it off very easily. The progress of municipal administration since 1888 has demonstrated the wisdom of the maximum salary. The fact that

Corporation had only a few years ago to move the Legislature to increase the salary of the Health Officer and the Executive Engineer and provide pension for them, owing to the difficulty of getting the right sort of men needed for the safety of public health and public works of great magnitude in the city, shows clearly the multiplication of the work which is going forward everywhere.

The Corporation was greatly insistent on defining in the Act that the Commissioner was subordinate to it, and that he was in all cases, without exception, bound to carry out its wishes. It urged that it was necessary "there should be no loophole in the Bill," but that it must be "clearly" stated that the Commissioner should "implicitly obey the orders issued to him by the Corporation, and that the Corporation has absolute power to give such orders on all matters of general policy or of important public interest."

Next, it was urged that both the Health Officer and the Executive Engineer should be deemed to be "subordinates," and that, as such, the Corporation would be empowered to call for reports from them as well as to summon them at meetings when it may be necessary to question them. This work has been partially met. The two officers, when summoned at a meeting of the Committee of the Corporation or the Standing Committee, are bound to attend and offer such explanations as may be necessary. But as far as the Corporation itself is concerned, the Legislature has wisely ruled that all answers necessary to be obtained from the two officers should only be obtained through the Commissioner.

There was repeated demand for a Controller of accounts in the proper sense of the term. The Corporation remarked, "the person controlling should not be subordinate to the person whose accounts he controls." That was a sound

maxim to urge. But Commissioners found by experience that without the controller being their subordinate they could not do much. They invariably aimed at keeping the controller under their thumb. In the former Act the person was called "Controller," but as the Select Committee observed, he controlled nothing, and the title was, therefore, misleading. In the Bill, they abandoned the word and substituted for it Chief Accountant. The Corporation demurred to the arrangement, as it practically made the head of the finance department a subordinate of the Commissioner, when he should be made independent of him : "Let the head accountant," said the Corporation, "be a servant of the Commissioner," but they insisted that the accounts of the Commissioner, his accountant, or any one else, must be controlled and tightly controlled by an independent officer—call him Controller or what you will. In support of this proposal, the Corporation brought many a cogent argument. In the Select Committee Mr. Mehta had in vain demanded this healthy change. Even some of the public bodies who memorialised the Government on the subject, strongly urged that the Controller should be an officer directly responsible to the Corporation and to none else. But on this topic the official majority of the Legislative had made up their mind not to give in. It is indeed a matter of regret that such had been the case. In reality, it was illogical on the part of that authority, to make the Health Officer and the Executive Engineer independent, and yet refuse to make the Controller, who had really the finances of the Corporation to check and control, independent of the chief executive. Here is one great blot on the present Municipal constitution, which it will be the duty of the Corporation, whenever the next opportunity for the amendment of the Act presented itself, to

remove by all means in its power. The revenue of the Municipality has mounted up to a crore and more, and it is right that the Corporation should be more and more jealous of its finance so that nothing may go wrong. The Corporation should be its own watch-dog. This duty cannot be efficiently discharged till it has at its elbow an independent official who really controls its finances as Colonel Thacker so ably did during the first two years of the existence of the Municipality.

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## CHAPTER LIX.

### OTHER OBJECTIONABLE PROVISIONS AND THE CORPORATION'S EMPHATIC INSISTENCE ON THEIR REMOVAL.

IF the Corporation, however, was unlucky in its contention for the appointment of a Controller of Accounts who should be entirely independent of the Chief Executive, it was able to achieve success in another direction. The Government attached so much faith to the audit of Municipal accounts when undertaken by the prodigies of its own department, that it had at first refused to modify the section of the Bill relating to Municipal auditors. In its representation the Corporation reiterated its former opinion with regard to the selection of these officers being entirely left in its hands. It remarked that it did "not agree with the arguments put forward by the majority of the Select Committee in para. 46 of their report, that the appointment of the auditors by Government would be a surer guarantee of their fitness and impartiality, or would be more satisfactory to Municipal debenture holders or the citizen. The Corporation, therefore, adhere to their former opinion that the power of appointing these officers should be left in their hands." Eventually the Government had to give way.

Coming to the Budget, the Corporation had made sundry suggestions, arising from its previous experience. Some of the important ones may, therefore, be briefly referred to here. Considerable difficulty had been experienced more than once under the operation of the old Act as to referring back to the Town Council a particular itemt

of the budget for reconsideration by way of reduction of the amount originally estimated. It was urged that the Corporation had the power only to refer back the whole budget, but not any particular items thereof. Next, there was the wholesome suggestion that unexpended portions of budget grants should lapse and become part of the available surplus with which the Town Council have to deal in the next budget. In offering this suggestion the Corporation had wisely followed a practice obtainable in all departments of the State, and which is rigidly insisted upon by the Finance Department of the Government of India itself. The Corporation therefore contended that the Bill should contain the provision embodying the practice in vogue in Government departments.

Next, there was a considerable difference of opinion between the Government and the Corporation touching the management of hospitals and elementary schools in the city. The city fathers, at any rate the majority of them, held that this was beyond the scope of Municipal administration—an opinion which was not entertained by most of the civilised Municipalities of the world. However, seeing that the Government was strong on this point, they at last agreed as to the advisability of having power to contribute towards educational and medical progress, provided its representatives were allowed seats on the management of the boards, and that the amount of the contribution was a fixed one. It is needless, however, to say that as far as medical relief in the town is concerned, the Municipality till very recently had only a voluntary obligation. It was in no way bound to administer any such relief. It had all through these years rightly insisted on the Government of Bombay faithfully carrying out the principles laid down in the Government of India Resolution of 18th May, 1882,

which it was obliged to accept, namely, that the Municipality should take over all medical relief, when the Government hands over equivalent receipts to that body. But somehow or other the Government had till late failed to carry out its early promise, and baulked all attempts made from time to time by the Corporation to take all medical relief in its charge on equivalent receipts being found for it. No. The Government has insidiously tried to shift in an indirect manner certain medical charges properly to be defrayed by Government, on the Municipality, and yet to keep a firm hold on the public hospitals. But the Corporation had been equally strong in resisting this kind of encroachment on its funds. Once or twice Government took advantage of its constitutional powers and stopped for three months the contribution towards the maintenance of the Gokuldas Tejpal Hospital. Many years ago an attempt was made to get more than Rs. 36,000 from the Municipality but the attempt failed, and since then the whole question of medical relief had to be brought once more to the front. A committee was appointed by Lord Lamington to go into the whole question whereby Medical relief should be undertaken by the Municipality and Police charges entirely by the Government. The subject of primary education in the city was to be wholly undertaken by the Corporation on the Government making available equivalent receipts. Happily owing to the keen solicitude of Lord Lamington to bring to a mutually satisfactory settlement the long pending controversy on these vital subjects the Corporation was able, with Sir P. M. Mehta as its most faithful and independent representative of the Committee specially appointed for the purpose, to arrive at an amicable understanding and the arrangement was ratified by the Legislature in 1907 whereby the

Municipality undertook Medical relief and primary education, under well defined limitation, and the Government the objectionable charges of the city police which all over India have for years been defrayed by Government.

The Corporation had also taken objection to the licensing of architects and surveyors. Here, again, that body displayed less than its usual sagacity. Subsequent events have demonstrated conclusively that the Government was right in insisting upon architects and surveyors taking out licenses. Having regard to the fact that there has sprung up in the city a class of building contractors whose principal business is to erect jerry-built chawls at the least cost, irrespective of the laws of public health and life, and earn the fattest rents from their luckless tenants, the clause regarding the licensing of architects and surveyors cannot be said to be unwise.

It is superfluous to refer to the many other objections taken to the Bill by the Corporation. Suffice it to say that it considered the Bill, as moulded by the Select Committee, "too long." It was objected to because "it enters into too numerous details, many of which could have been well left to be considered as by-laws, and that it is a Bill which from its intricacy will be very vexatious to the people who have to interpret its sections." Again, speaking on the whole Bill and the tenor thereof, the Corporation could not help declaring that the Commissioner was still left so much authority as would be prejudicial to the smooth and efficient working of self-government in the city. It was greatly irritated at the absolute powers vested in that officer. So here was its Parthian shot at the Select Committee. "There appears to run through the whole Bill a view which is objectionable and false in principle, viz., that the first and most important authority is the Commissioner;

next, but far below, are the Standing Committee, and last the Council, whose duty it is simply to grant a certain sum of money and then to remain silent. All provisions of this nature must be expunged before the Bill can be considered at all satisfactory." We shall show when we refer to the discussions which took place in the open Legislative Council on the second reading of the Bill how far the popular representatives thereat successfully strove to modify the important constitutional sections so as to gladden the heart of the Corporation and make that body supreme above the two other authorities in the municipal administration of the City. The Corporation wished that the Bill should be so modified as to enable competent representatives of all important interests, such as land, commerce, arts, law, medicine, engineering, and so forth, to enter the Corporation and take an active and honourable part in the government of the city. "Let this Bill," said the Corporation in the concluding paragraph of its representation, "be one which will tempt such men to join, let it be one which will place the Council in such a position that it shall be an honour to serve on it, and the Corporation have no fear that the Government will have cause to repent such a step, but on the contrary, believe that the rapid improvement of the city and the increasing welfare, advancement and enlightenment of the citizens will give Government good cause to be proud of the wisdom, justice and foresight that led them to place confidence in the people and power in the hands of their representatives."

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# CHAPTER LX.

### THE BILL AS IT EMERGED CONSIDERABLY FOR THE BETTER FROM THE SELECT COMMITTEE.

WE have endeavoured to give as succinctly as possible the views held by the Corporation on the Municipal Bill as it emerged from the hands of the members composing the Select Committee. We now transfer the scene from the hall of the Corporation to the Council Chamber. The second reading came on for hearing and discussion on 7th March, 1888, and it may be just as well to recall the names of the members who composed the Legislature of the day. Of course, Lord Reay presided as the Governor of Bombay. Sir Maxwell Melville had, to the extreme regret of all, been gathered to the majority since the date of the introduction of the Bill. A more capable, liberal-minded and judicial member of Council, Bombay has not had the good fortune to boast of, since his lamentable death. Conspicuous as his sterling qualities were on the Bench of the High Court, they were indeed more conspicuous in the Council room. His death at this juncture was a great loss. Mr. (afterwards Sir) Raymond West took his place. He, a worthy successor, has also been dead some three years past, deeply lamented by all who knew him as a conscientious Judge and jurist and an able member of Government. The revenue member was Mr. Richey, while the other additional members were Mr. Latham the Advocate General, Mr. Telang, Mr. (now Sir Frank) Adam, Mr. Naylor, Mr. Barve, and last, though by no means the least important, Mr. (now Sir) P. M. Mehta.

Mr. Naylor opened the proceedings with an excellent preamble which it is essential we should partly reproduce in his own words albeit tinged with optimism. Whatever his views, there cannot be any doubt that they were conscientiously entertained. He was an official possessed of great broad-mindedness and always open to conviction. Those who worked with him in the Select Committee have nothing but unqualified praise for this particular trait of his character which stands in marked contrast with the narrow-mindedness and obstinacy of some of the latter day race of Councillors whom we have known. Mr. Naylor began by observing that the Bill was very carefully considered and amended by the Select Committee appointed by the Council for the purpose.

" The result of their labours," he said, " is before us in the shape of an unusually lengthy report and of an amended Bill which bears evidence on every page of it of the thoroughness of the Committee's work. The lamented death of Sir Maxwell reduced the number of the Select Committee from six to five, and it is a circumstance worthy of mention that of the five members of the Committee who remained, the majority were Indian gentlemen.

" This is, I believe, the first occasion in the history of this Council on which this has occurred. Another happy feature of the composition of the Select Committee is, that of the three Indian gentlemen who, with the Acting Advocate-General (Mr. Macpherson) and myself, constituted it, one was a Hindu, one a Mahomedan and the third a Parsi. A more completely representative Committee could scarcely have been named on whatever principle nominations to this Council might be made ; and when I add that two of my Indian colleagues are members of the present Municipal Corporation, that one of them was

for a considerable period the very highly respected Chairman of that body, and that three of the members of that Committee were lawyers of long standing who enjoy a large practice in the city of Bombay, I think I shall have said more than enough to satisfy the other honourable members of the Council that the Bill, in the shape in which it has left the hands of the Select Committee, is worthy, as to all matters on which the members of that committee were unanimous, of their ready assent and acceptance."

It will be thus perceived that Mr. Naylor had good and weighty reasons to say that the Bill, as amended in the Select Committee, was in every way a better and more liberal piece of legislation than the one which was originally introduced into the Council. It was the combined work of all the talents gathered in that assembly. The allusion to Mr. Mehta as "the very highly respected Chairman" of the Municipal Corporation (1885-86) was, indeed, well-deserved, for it is even to-day freely acknowledged that he made "the very best Chairman" in the annals of our civic fathers. Sir P. M. Mehta has been *four* times the President of the Corporation of which he has been the most capable and devoted member for full 41 years without interruption and has been the representative of that body in the Bombay Legislative Council for 21 years.

As a result of the labours of the Select Committee, fortified by outside legal opinion and healthy non-official criticism, the scope, the form and the general provisions of the Bill had undergone radical changes in two important directions. Mr. Naylor pointed out these. Firstly, the citizens of Bombay secured as large a measure of self-government as was compatible with the system of the constitution with which the Council had to deal and with the

safeguards ordinarily retained in legislation concerning local bodies. Secondly, every provision of the Bill tending to the annoyance and inconvenience of the residents of the city, or to the detriment of their just rights and privileges, was carefully modified with such precaution as should make the Bill highly satisfactory in practical operation. This was Mr. Naylor's view. No doubt there was a considerable amount of truth in it. We all know, however, that some of these provisions were strongly objected to at the time as further modified, while many others remained. The citizens of to-day have found out to their bitter cost how many more provisions there still remain of an annoying and unjust character which will have to undergo further modification when the present Act comes to be tinkered or superseded by another.

In order that members of the Legislative Council may test the extent to which the Bill had conferred the right of self-government, Mr. Naylor had circulated among his colleagues a set of printed tables, exhibiting the powers vested in each of the Municipal authorities and in Government under Act III, of 1872 and under the Bill he was entrusted to engineer. He pointed out that against 49 divers powers vested in Government under the old enactment, there had been only 29 continued in the Bill, 8 having been repealed altogether, 7 transferred to the Corporation, 3 to the Standing Committee, and 2 to the Commissioner. Among the powers discontinued to Government, he enumerated the following Rules framed by the Corporation or the Town Council, for the conduct of their business. The rules were subject to veto by Government; but in the new measure the Corporation and the Standing Committee were allowed to make their own rules. Again, it was Government who had formerly the power of

appointing the Chairman of the Town Council. In the Bill, the power was entirely allowed to the Standing Committee. Thirdly, the fixing of the scale of rates and prices for the supply of water was left to the same body. License fees, too, were to be fixed, by the Standing Committee. The construction of new water works, and the provision of new places for disposal of the dead which required under the old Act the previous sanction of the Government were entirely left to the Corporation. But Mr. Naylor, all the same, had to confess that if 20 powers were discontinued 21 new ones were conferred on Government, apologising for their enactment on the ground that they almost all "concern matters which have no place at all in the present Municipal Acts." Only in two instances were powers conferred by the Bill on Government which vested in the Corporation, namely, the appointment of auditors of Municipal accounts, and the sanctioning of rules for granting pensions to Municipal officers. But, it is superfluous to say, both these powers were eventually withdrawn, and the Corporation was left unfettered in the matter. Mr. Naylor then went into an elaborate statistical explanation of the plus and minus powers of the different authorities, and concluded this part of his introductory speech by observing that the new Bill, as modified by the Select Committee, would largely add to the authority of the Corporation, and the Standing Committee, "without depriving the Government on the one hand of the controlling power which should properly belong to some authority superior to the Corporation, or the Commissioner on the other hand, of the several powers, which, as the executive authority of the Municipality, is essential for him to possess."

So far as to the constitutional part. Mr. Naylor next referred to the provisions of the Bill which concerned the

convenience, rights and privileges of the people—such as the provisions relating to drainage, water supply, buildings and sanitation. The solicitude of the author of the Bill, to see that the provisions may not operate with undue severity on the citizens, may be freely acknowledged; but as already observed, the *raison d'etre* of many a section which eventually came to be embodied in the present Act may be questioned. The undue severity of many a provision with regard to the comfort and convenience of the population is the theme of constant criticism in the hall of the Corporation. Not a month passes by without some Councillor or another bringing to the notice of his colleagues instances of individual hardship or hardship entailed on a group in a particular locality. Mr. Naylor gave his due meed of praise to Mr. Telang for having devoted much attention to the Chapters in point. It is true that that accomplished citizen, with his personal knowledge and experience, was able to introduce several modifications which have had the effect of toning down the undue severity lurking underneath many a section in practical operation. There is not the slightest doubt that Mr. Telang did his very best in this direction. But even he could not foresee the effects of the operation of many of the modified sections. With our closer experience of their working during the last twenty-four years, we can say with some confidence that the sooner some of the most objectionable sections as to drainage, water supply, sanitation, and such matters are entirely abrogated, the better, or else the existing cry of the people will swell in volume. Individual hardships may be tolerated and endured; but the hardships which affect a large mass of the population, mostly the poor and the uninfluential who can never get redress because their weak voice can never reach the ear of the Commissioner, how-

ever sympathetic he may be, cannot be tolerated for any length of time. The day of reckoning must come, and the City Fathers as guardians of the population, ought to take time by the forelock, and see to the mitigation of the wrongs which are inflicted on the people by the severity with which certain sections of the Act are being carried out. Mr. Naylor himself foresaw these, for he observed that "after all is done which can be reasonably done in this direction, it is inevitable that large powers be left in the hands of the Executive officers, and it will, of course, sometimes happen that those powers will be abused or used without due consideration." But the Hon'ble member in charge of the Bill had no other panacea for such abuse of power as he forecast than mere publicity. He observed: "Against such a contingency the readiest remedy in a large city like Bombay is publicity; and with the rapidly growing intelligence of the citizens of Bombay it is not probable that there will be much toleration of a misuse by Executive Municipal officers and servants of the authority with which the law must necessarily invest them for the accomplishment of its purposes." We are, however, all aware how, in spite of growing intelligence and publicity, very little is done to prevent the abuse or misuse of authority. The citizens must wake up and press for the needed reform with the same vigour and unity of purpose which characterised the agitation of 1871—2, and which eventually secured for them that charter of civic liberty which they now fairly enjoy. Unless they awake themselves to this sense of duty, it is hopeless to expect any modification in the provisions which now operate so harshly and lead to much silent and patient suffering, especially among the voiceless.

# CHAPTER LXI.

THE CRITICISM OF THE CORPORATION ON THE BILL AS TINKERED BY THE SELECT CUMMITTEE.

LET us once more change our venue, let us go back from the Council Chamber to the Municipal Hall in order to notice what the Conscript Fathers of the day did with respect to the draft Bill after it had emerged almost a new one from the hands of the Select Committee who held prolonged sittings at Mahableshwar. The most active members in that Committee were Mr. Naylor, Mr. Macpherson, the acting Advocate-General, and Mr. Mehta. Mr. Telang was not able to be there ; but it is no exaggeration to state that Bombay owes it to the indefatigable exertions, the mature experience, and the great practical knowledge of the operations of the Municipal Act of 1872, of Mr. Mehta, that it boasts to-day of Act I of 1888. The more it is rightly interpreted and faithfully worked, the more it shows the far-sightedness of that honourable gentleman in moulding the constitutional and other sections. Hard indeed was the battle he had to wage, almost single-handed, in the Select Committee, and most arduous and uphill was the labour he had to undergo at the outset. The inexperience of Mr. Naylor and Mr. Macpherson with the practical operations of the then existing Act was Mr. Mehta's principal difficulty. Men of capacity as the two gentlemen were, they could not apprehend at first what the requirements and wishes of the general body of rate-payers were, and what were the obstacles the Corporation

itself had met with from time to time in carrying out its work. But the comprehensive grasp which Mr. Mehta had acquired of the enactment during the preceding fifteen years, and especially during the two consecutive years 1885 and 1886) when he was the Chairman—"the ablest" Chairman who has yet filled the chair, as acknowledged by Sir Charles Ollivant,—stood him in good stead; while his patient, persevering and convincing advocacy of the amendments after amendments which he proposed were principally, nay, almost wholly, instrumental in casting the Bill in an entirely different shape from that in which it had been originally moulded by Mr. Naylor. Of this colossal labour, this expenditure of time, and mental energy of a very high order, the public have little or no knowledge. But Mr. Naylor himself has stated what was done on the Select Committee and how far Mr. Mehta with his other non-official colleagues had been able to shape the measure in consonance with the wishes of the Bombay public generally and the Corporation. A genuine lover of local self-government as he was, Mr. Mehta was keen on gaining for the citizens as complete a charter of civic liberty as was possible and practicable from a Government which was not only timid but imbued with its own infallibility and grandmotherly solicitude. While the Government still desired to keep as much of the power in the hands of its chief executive, the citizens were equally bent upon minimising that power and only entrusting him with such authority as was needed, and no more, for efficiently carrying out all executive functions. The cry was that Bombay citizens should be allowed to manage their own civic affairs by themselves with as little of official interference as possible and with as great a liberty as was essential for the full success of local Self-Government as emphatically laid down

in that statesmanlike Resolution of Lord Ripon of 18th May, 1882. Thus it was that Mr. Mehta fought the fight on behalf of the citizens on the Select Committee. He had the largest share of all his other colleagues in modifying each and all of the original sections. At the initial stage the trouble to convince Mr. Naylor and Mr. Macpherson was great indeed. But as from day to day Mr. Mehta was able to dissipate the misconceptions lurking in their minds and inculcate his own broad views of things, it was recognised that, after all, he was in the right. With the recognition of the fact the work of remodelling the Bill proceeded apace till at last the whole frame-work was made shapely and in general consonance with the views of the citizens. Of course, there were many points in which the official majority did not yield. But the yielding was wrenched at last in the open Council. Both Mr. Naylor and Mr. Macpherson cordially acknowledged their personal obligations to Mr. Mehta for all the valuable assistance he had rendered to them in the Select Committee, and they congratulated him on his unrivalled success so far. In many a section it may not be generally known that Mr. Mehta's own words have been almost wholly retained; while we may say that every word of sub-clause 2 of section 64, as it now stands in the Act, was his. Except "as in this Act otherwise expressly provided the municipal government of the city vests in the Corporation." The section is small, but the readers can hardly realise at this time of the day the wranglings and cogitations on the construction of this little section which, in reality, contains the very crux of the entire Municipal constitution. The Municipal administration wholly vests in the Corporation and the Corporation alone. It is the supreme body, the final arbiter and tribunal on all civic matters. The reader

has only to calmly consider the true significance of that potential section to realise the liberty which, through the instrumentality of Mr. Mehta, the citizens have acquired to manage their own affairs. It is a precious privilege which, it is to be hoped, the Corporation will uniformly strive its level best to cherish and preserve. It is in reality its Magna Charta.

As soon as the Select Committee had made its report the Corporation set to address itself to the Government on many a point which, in its opinion, still demanded redress. The second reading of the Bill was fixed for 7th March 1888. So the Corporation, at its meeting of 2nd March addressed a long letter to the Legislative Department, pointing out its several objections and suggestions. The letter, signed by its Chairman, Sir Henry Morland, acknowledged in its very first paragraph that " the Bill on the whole has been decidedly improved by the Select Committee," and they submit that the enormous mass of amendments is a proof how unsatisfactory was the original draft of the Bill. But while acknowledging the improvement, the Corporation saw that there were " new and objectionable clauses" introduced into the Bill, while some few " important suggestions" made by it have been either ignored or not accepted." But these and other matters must be reserved for the next chapter.

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## CHAPTER LXII.

### STRENUOUS ADVOCACY AND VALUABLE SERVICE OF MR. P. M. MEHTA IN THE SELECT COMMITTEE.

WE have already remarked how vexed was the Corporation at the Bill even as modified by the Select Committee. In its letter of 2nd March 1888, previously referred to, it attached a comprehensive schedule in which was expressed, in brief, its opinion with regard to those sections which it considered demanded further alteration at the time of the second reading. In the letter itself, which was a long one, consisting of 36 paragraphs, the Corporation invited the attention of the Government to some important points "involving principles" which, it considered were "not only sound in themselves, but on the recognition of which depended the power of the Corporation as the body entrusted with the Municipal Government of this city." The following sentence is emphatic and amply indicative of the feeling the Corporation entertained as to its own powers to manage the city's affairs. "The Corporation are anxious that their view of the case should not be ignored; either they are, or they are not, to be the governing body of this city; if they are to be the governing body, they should be entrusted with full power to carry out what they believe to be right and best; if they are not to be the governing body, there is then no apparent necessity for their existence."

From the above plain-spoken quotation the reader will easily understand how far, in the opinion of the Corporation, even the modified Bill was insufficient for the purposes of the proper government of the city's affairs. In

fact, that body plainly informed the Government that it would either be the head in Local Self-Government, or nothing. Either it should have supreme power of management or none. If the supreme power was not to be vested in the Corporation, then the Corporation, out of a sense of self-respect, should sign its own death-warrant and cease to exist. Let the Government carry on the Municipal administration. We shall see later on, as we proceed, how far the courageous and outspoken utterances of that body found due weight and attention at the second reading of the Bill, and how far it eventually succeeded in categorically extracting from the Government the privilege of being the supreme power and authority. The entire Municipal Government was to be vested in it alone, and so eventually it was. But to proceed with the contents of its letter of 20th March 1888. We have already referred to the three powers it demanded: (1) absolute and perfect control of the budget; (2) power to hear opinions of Municipal Officers and obtain full information of any kind deemed necessary regarding Municipal affairs; and (3) power to determine the general policy to be pursued by the Town Council, the Commissioner, and other executive officers.

The Corporation took objection to meetings being convened whenever the Commissioner applied for urgency. It was apprehended that a provision of this nature may lead to abuse. But the section, as finally modified, has been so worded that urgency can only be granted on the condition that two-thirds of the members present should give their assent. Of course, in the absence of such a provision any Commissioner might jump at short notice either in the Corporation or the Standing Committee, interrupt the ordinary course of business, and try to rush through his own business on the plea of urgency, rightly or wrongly.

The Corporation was right in pointing out this evil, but happily the proviso referred to has removed all anxiety regarding any abuse of power by a Commissioner.

The second objection was to the presence of the Commissioner at all Corporation meetings with power to move propositions or amendments. That was a dangerous power to leave in the hands of the Commissioner, and the Corporation was right in strongly urging its objection to it. The clause as it stood, after being modified by the Select Committee, was severely condemned in the following terms: "Such a clause is against all the rules of procedure guiding the meeting of any public body, and is one to which the Corporation cannot for a moment agree." These were brave words and had eventually to be respected. The power of voting or proposing was withdrawn, otherwise the Bombay Corporation would have become the slave of its chief executive, and there would have been no difference in respect of practical business between the Calcutta Police Commissioner and Chairman of the Corporation under the old Act, and the Municipal Commissioner of Bombay, armed with authority to interpose at every stage, make any number of speeches, and do exactly as he pleased. Of course such an arrangement could not have been allowed to remain unmodified.

It was also objected to that all propositions emanating from the executive and agreed to by the Standing Committee should be brought forward before the Corporation by some member or other of the Standing Committee. It is most interesting here to quote the Corporation's opinion on this subject, as it is only by the light of that paragraph that present Councillors will be able to understand the real reason of members of the Standing Committee alone bringing forward propositions requiring the Corporation's sanc-

tion, agreed to in the Standing Committee. "The Standing Committee are a body who are paid to do a certain work. It is their duty to take charge of certain propositions emanating from the executive. That if they do their duty thoroughly, they must be conversant with the subject, which they have already considered, and on which they have already voted before deciding to bring it before the Council for sanction. The great object to keep in view is the necessity of forcing the Standing Committee to understand their work and do it themselves and not give them a way of escape by which they can always shelve their duty on to the Commissioner. If they were able to come to a decision on the question at their own meeting, they should be also able to take charge of it before the the Corporation and to express their reasons for their recommendations. The educational effect would be entirely lost by allowing the Commissioner to do that which is the duty of the Standing Committee." This point, too, was, happily conceded by the legislature, with what excellent results it is superfluous for us to say. The Standing Committee is indeed the preliminary school where may be learned, with due attention to constitutional clauses, and a knowledge of details, the right way of managing the city's affairs, especially its finances. Thus it is that the Chairman of the Standing Committee gets himself most educated, but it would seem that at present some of its members seem to neglect the useful education which the management of the Standing Committee's business offers to them.

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## CHAPTER LXIII.

### MR. MEHTA'S STRONG CONDEMNATION OF THE ORIGINAL DRAFT BILL AS HIGHLY RETROGRADE.

WE may now direct our attention to the valuable assistance rendered by the Hon'ble Mr. Mehta in the passing of the Bill of 1888 in the form it stands at present. The principles on which he appealed to the President in Council to proceed with regard to the measure have been demonstrated by the twenty-four years' operation of the Act to be perfectly sound and practical. But it is instructive on this occasion to recall some of the salient points of the speech he made, while emphasising the principles, at the second reading of the Bill. We shall pass over the earlier history of the municipality, from 1865 to 1872, to which the honourable gentleman had to refer during the course of his observations. Neither is it essential to repeat the results which the operation of Act III of 1872 led to. These were highly successful, and the hard but most useful and solid work transacted between 1872 and 1888 has been already acknowledged by the highest authorities. If Mr. Mehta referred to these results it was with the sole object of demonstrating how retrogressive the new Bill was and how it stood in need of amendment so as to bring it up more in conformity with the public opinion of the day, and in consonance with the admirable way in which the affairs of the Corporation were administered during the operation of the Act of 1872.

In its original form, observed Mr. Mehta, the Bill was "a distinctly retrograde measure." In defending this statement against those who disputed it, he remarked that it was every way true. "When I say that the present Bill, in its original form, was a retrograde measure, what I subsequently mean to say is that it goes back to the discredited principles of 1865 in regard to the position of the Commissioner in the constitutional scheme. The statement of the constitutional principles of the Bill bears a remarkable resemblance to the statement of the principles of Act I of 1865." The original Bill, as described in the statement of objects and reasons, showed that the intention of the Government was to place the Municipal administration of the city in the hands of the Commissioner, controlled only generally by the power of the purse given to the Corporation. In the Select Committee, too, it was also distinctly averred that the Corporation was to be next to nothing, while the Commissioner was to be everything. It was said that the Corporation should have no powers of criticism, initiative or supervision, and that after the budget grants were sanctioned, it had no other business to do. It might sit at home or at the best talk as little as possible. That was what the author of the original Bill had endeavoured to reduce the Corporation to, a Corporation which during the preceding fifteen years had criticised, initiated and supervised everything connected with the Municipal administration of the city. Thus because the Corporation had most successfully administered civic works, started and constructed large works of public utility costing crores of rupees, and otherwise proved to the hilt its capacity as a superior administrative body, the

Legislature of 1888, by some mysterious ratiocination, endeavoured to deprive that body of its powers and reduce it to the nonentity it was during the seven years under the first Municipal Act of 1865. Mr. Mehta then contrasted at some length the results of this septennate under a single autocrat, responsible to none, with the fifteen years' rule of the Corporation as the superior administrative authority. In the one case the Municipality was reduced to bankruptcy and turned into a byeword of reproach ; in the other case it was raised to a high level of efficiency, with a fat surplus cash balance, and with nothing but continued praise from the highest authorities as to the marked ability and practical statesmanship with which the citizens themselves, the representatives of the ratepayers, managed the city's affairs. Mr. Mehta having compared the two systems of Municipal administration and demonstrated the indubitable superiorty and success of the one which superseded the septennate, remarked that the satisfactory result was owing to three circumstances. These we shall relate in his own words . " Firstly, it has prevented the Commissioner from embarking on hasty, ill-considered and unsuitable schemes by its constant criticism. The fear of this criticism, reasonable or unreasonable, has done more useful negative work than is generally known or imagined. Secondly, it has introduced great reforms in the executive departments and, thirdly, it has directly initiated great undertakings for the improvement and sanitation of the city. I will mention two or three prominent instances. The reorganisation of the Assessment Department has been justly recognised as one of the most important events of Mr. Ollivant's administration, bringing a very large increase of revenue. Now it is generally known that this reorganisation was forced on the executive by the action of the Corpora-

tion, led by one of their members, now unhappily deceased, the late Mr. Gokaldas Jugmohundas, whose persistent efforts to expose the shortcomings of the department were at first strenuously opposed. A reform in the Engineering department was brought about in the same way. The greatest work that the Corporation has yet undertaken—the construction of the Tansa Water Works—was undertaken by it, not on the initiative of the Municipal Commissioner, but on that of one of its own members . . . I think I have said enough to show that the credit of this remarkable success justly belongs in the main, to the constitutional scheme under which the Corporation carries on the administration by the hands of its Executive Officer constantly and continuously controlling, criticising, supervising, and directing him." This was what was admirably accomplished under the constitution of 1872. The authorities of 1887, tried to put back the hand of the dial, alarmed at the progress the citizens had made in the management of their own affairs, and to bring back the state of things which had brought about the ignominious collapse of the septennate of 1865. Hence Mr. Mehta observed to his colleagues in the Legislative Council in 1887 that "to revert from a scheme of such promise and performance for the discredited principles of the Act of 1865 would be a blunder indeed."

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## CHAPTER LXIV.

### FURTHER VIGOROUS CRITICISM BY MR. MEHTA.

CONTINUING his remarks, the Hon'ble Mr. Mehta observed that in the matter of the Bill before the Council a change had come over the spirit of the Government's dream—from progress to a march backward. No doubt, as tinkered by the Select Committee, the constitutional part was based on sound principles—principles clearer and broader than those "timidly and tentatively" embodied in Act III of 1872. But though the Municipal constitution was placed on a most satisfactory footing, the Honourable member took care to remind his colleagues in the Council that there were a few objectionable features clinging to it which needed removal. He would specifically refer to them when the Bill came to be discussed in detail; but one or two of the principal ones could be stated at once. Section 65 of the Bill, as amended by the Select Committee, was, in the opinion of Mr. Mehta, the keystone of the constitution; clause 3 (*c*) gave over the entire power of the Corporation to the Commissioner in cases of pressing emergency. Admitting that the stress of urgency would demand on some rare occasion the exercise of the power by the Commissioner, he would still think it excessive. He could not conceive any case in which the Commissioner could possibly require to exercise all the powers vested in the Corporation. For instance, there was the imposition of the taxes. Was it to be assumed that some day a Commissioner could, in the exercise of the power

conferred by the section, cast aside the Corporation and set himself up as the sole tax-gatherer-general? That would be a most arbitrary exercise of power and likely to be fraught with the greatest evil to the ratepayers. But can it be averred that it was judicious and advisable to allow such a clause to remain, so that there might one day arise the contingency of a headstrong and self-willed Commissioner to override the Corporation and create the greatest discontent, if not consternation, among the citizens? Yet, in reality, this might happen were the proviso allowed to stand. This, indeed, hit at the real danger involved. In fact, the section was calculated to nullify the rest of the constitution of the Corporation by a single move of an irresponsible autocrat. Again, experience had not pointed out that such a provision was at all necessary. The Corporation consisted of a body of men endowed with practical common sense. Such a body would be the last to refuse to ratify the acts of a Commissioner in a case of real emergency. The good sense of the Corporation should always be relied upon, but it was dangerous to the constitution itself to allow such a provision to stand at all in the Bill, liable as it was to extraordinary abuse. Mr. Mehta cited a striking instance which had occurred in 1883. Some money had been expended by the Executive on the plea of emergency. What was it? Let us enumerate the cases for the better comprehension of the reader. A screen wall was required for a women's latrine at Byculla,—was that a case of emergency? A boundary wall which had fallen near the Jewish synagogue needed to be rebuilt. Where came in the urgency? A pavement to drain away waste water after cleaning a fire engine was supposed to be necessary. Where was the pressing necessity? A little roofing to a stable was needed, a Police Commissioner wanted some

venetians for his windows, and a verandah was supposed to be necessary for a police guardroom. All these were deemed to be urgent works. Moneys were paid and the emergency-struck Commissioner afterwards came before the Corporation to ratify the expenditure. The reader will see, from the instances quoted, how the provision objected to was liable to be abused. But if experience showed that such had been the abuse of power by an executive in small matters, what was there to prevent similar abuse in large matters involving not a few hundred but thousands of rupees, if not lakhs? On this Mr. Mehta observed as follows:—"I think this shows that such a power is liable to be abused for irregular action." We may add that abuses of their power are not uncommon even now and so far Mr. Mehta's contention serves to be amply vindicated. The next objection was taken to the position of the Commissioner in the Corporation. A majority of the Select Committee had naively contrived to present the Corporation with a hydraheaded monster. "They gave powers in clause (*c*) of section 43 by which the Commissioner was made into a wonderful embodiment of 72 members rolled up into one. He could jump up immediately every time that a member sat down, to answer him and correct him." What a nuisance, to be sure. And what a mockery of local self-government! The Honourable Councillor could not tolerate such a dangerously objectionable clause. "Seriously, my Lord," he observed, "those who have any experience of managing meetings know that such a privilege would be subversive of all order and discipline, and such a Commissioner would be an intolerable nuisance." Happily the threatened nuisance was eventually averted.

Next came the provision for a Deputy Municipal Com-

missioner. Mr. Mehta's remarks on this point are important enough to be quoted in full, especially having regard to the fact that more than one attempt has been made since 1888, to have a permanent Deputy Commissioner. Of course, the plague demanded an assistant; but even then the majority of the Corporation thought this unnecessary, as the required assistance could have been rendered by some competent medical officer. "I object most strenuously," Mr. Mehta said, "to the portion of the Bill creating a Deputy Commissioner. It utterly mars the integrity of the constitutional scheme which renders the Commissioner the *sole* Executive Officer, for the purpose of attaching to him sole and undivided responsibility. If it is made out that there is more work thrown on the Commissioner than he can attend to, the remedy is to give him the necessary assistance in whatever Departments he may require it. The creation of a Deputy Commissioner would be only destructive of his proper position and responsibility in the constitutional scheme." Eventually, the official majority being too strong in their resistance to the omission of the section from the Bill, a compromise was agreed to whereby the power of appointing a Deputy was left entirely with the Government, subject to the approval of Corporation.

Before concluding his observations Mr. Mehta took care to refer to the criticism made by Mr. Naylor on the throwing out bodily, by the Corporat on, from the draft enactment, all provisions for executive work by divers Managing Committees. He remarked, "It is said that the proposal was rejected because the citizens of Bombay were diffident as to their capacity for real local self-government. Such is not the reason, however. I have been connected with the discussion of this question ever since 1871. In

the public discussion of that time, the reformers asked for an Executive Town Council. I then ventured to point out that such a remedy would be worse than the disease in a a paper I read on the Municipal reform question of 1871. The matter was again discussed in 1884, by the Corporation, and again when the first draft of the Bill was sent to it by Government. I took an active part in the discussions on both occasions, and the proposal I have referred to was rejected, not because we are diffident as to capacity for real local self-government, but because it was held that real local self-government did not consist in the direct exercise of executive powers by the Corporation, by themselves or by Committees. It is now five years since the Corporation embarked on the enterprise of obtaining a further extension and strengthening of their free Municipal institutions. They were well justified in their ambition, for it is now a matter of history that it was their success that suggested and secured for the whole of India the remarkable development of local self-government that was inaugurated in the time of the late Viceroy. They appointed Committees, they worked hard at it themselves, and they sent up representations to Government. At one time matters looked rather gloomy. It seemed as if they were destined to look as foolish as the discontented frogs in the fable who went to pray to the gods for something better than King Log. But the alarm was only momentary, and such fears are now altogether dissipated. With the Bill in its amended form the citizens of Bombay will have good reason to be thankful for a measure which will embody provisions for further extending and strengthening these Municipal institutions, as wisely and liberally conceded."

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## CHAPTER LXV.

### MR. FORBES ADAM SUPPORTS MR. MEHTA.

THE next speaker was Mr. (now Sir Frank Forbes) Adam, five times Chairman of the Chamber of Commerce, and the occupant of the same position a few years ago at Manchester. Mr. Adam followed the same line of argument of the Hon'ble Mr. Mehta who had preceded him. He had not the privilege of being at any time a member of the Corporation but he nevertheless took the keenest interest in municipal affairs as disclosed in municipal debates reported by the Press. He had also the advantage of conversations from time to time with members closely interested in the municipal management of Bombay. He did not agree with those who simply ran down the civic body as a talking machine—a cant, specially invented by the Anglo-Indian to belittle all organisations having local self-government for their object. Though this cant has been exploded over and over again, we notice, however, that it is persistently revived with a motive which it is perhaps better not to allude to or describe. The Hon'ble Mr. Forbes Adam thought that there was "certainly not more talking than what takes place in most other deliberative assemblies." Agreeing with the Hon'ble Mr. Mehta, he began his observations by at once declaring that the Bill as first introduced was "decidedly a retrograde measure." Though the Select Committee had tinkered it up fairly enough, he was inclined to join in the observations of the Advocate-General that that body

was rather halting in its improvements. As to the Committees, originally proposed, he confessed he was first in their favour as the best means of educating the Corporation. But as he began to sound opinions *pro* and *con* on the subject, he had to admit the force of those who distinctly rejected the proposal. His reason, and a very strong one, may be given in his own words. "It is evident that a Commissioner, sitting permanently as Chairman on each Committee, would have exercised a too preponderating influence; there would have been a mixing of administrative and executive functions; the Commissioner would have exercised a greater power than it would be wise to place in one man's hands."

Going into the constitutional part of the Bill, Mr. Adam remarked that though the principle of the Bill was to make the Corporation the supreme governing authority, many of its sections did not bear this out. "It seems to me," he remarked, "to be now neither fish, flesh, nor fowl." It was every way possible to amend the retrograde bill so as to preserve the great principle "consistently throughout without running the danger of in any way interfering with the Commissioner in the unfettered performance of his executive duties. Following Mr. Mehta, Mr. Adam did not see the necessity of putting the power of the Corporation into the hands of the Commissioner in cases of emergency. He thought the power was tremendous. "I cannot conceive," said he, "any case arising that would justify such a transfer of power. And there is great danger of abuse." Next he agreed that the Commissioner should not have permission to speak as often as he chose during debates. Neither ought he to be allowed to move Resolutions. Further, he objected to the Commissioner being made an *ex-officio* member of the Port

Trust. It is useful to recall Mr. Adam's words on this point, specially as the Government in their wisdom have also made that functionary an *ex-officio* member of the improvement Trust, where as we observed the other day, the danger in practice arises of a conflict of opinion between himself and the Municipal Corporation. Mr. Adam said :—"No one will pretend to say that the duties that fall on members of the Legislative Council are arduous or such that break down a man's health. This is certainly no reflection on the Council. But still, great stress has been laid on his labours as Commissioner, and why should they be added to? . . It may be an advantage to the Port Trustees to have among them a gentleman of the ability and talents of a Commissioner, but what is the benefit to the Municipality?" Well may members of the Corporation repeat Mr. Adam's question even to-day.

Speaking again from the non-official side, Mr. Adam thought it right that the power of producing important papers should rest entirely with the Corporation; next he had something very pertinent to say touching the importance of allowing the Executive Engineer to give out his independent opinion on occasions when the Corporation called for it. We have that practice now. But Councillors of to-day must try to realise the strong official opposition offered at the time, with such a masterful autocrat as Sir Charles Ollivant presiding over municipal affairs. Mr. Adam again, speaking on the popular side, made one or two pertinent observations which it would not be amiss to reproduce in this place. "I can imagine a case in which the Municipal Commissioner wishes a certain work done in a certain way by the Executive Engineer; but the latter, holding contrary views as to the manner in which it should be carried out, might not be able

to reach the ears of the Corporation, who if they were acquainted with both sides of the question, might favour the opinion of the Engineer. Therefore, making due provision for constituting the Commissioner the head, it would be wise to have some means by which the Engineer could have power to approach the Corporation when he desired to do so. The Health Officer has that power, and I never heard that it worked badly."

On budget matters, too, Mr. Forbes Adam had some sage suggestions to make. He was of opinion that all unexpended balances should lapse at the end of the year and be dealt with in the new budget. Again, he was of opinion that transfers above Rs. 500 from one budget head to another should not be made without the sanction of the Corporation. Then as to the controller of finance, he agreed with the opinion publicly expressed by representative men and bodies that he should be independent of the gentleman whose accounts he controlled. But, as we have already observed, this municipal pill was found too bitter by the official majority to be swallowed. But every year's growing experience informs the Corporation that it is the one reform in municipal finance which should be insisted upon when the next occasion for amending the Act offers itself. Finally, replying to the interested official Cassandras of the day, who conjured the vista of the Municipal Corporation going to the dogs with the Act as moulded in the way the Corporation insisted upon, Mr. Forbes Adam had something pertinent to rejoin. "I have heard it said that, if the Bill be passed, amended in consonance with the views of the Corporation, the municipal affairs of Bombay will not be properly managed, that things will remain at a standstill. I take leave to doubt this. I think any one who has watched the conduct of municipal

affairs in Bombay during the past ten years must have been exceedingly pleased with the steadily increasing business capacity shewn by the members of the Corporation. I think that they show greater accuracy in debate, that debates are less prolonged than formerly, that members are capable of initiating and giving effect to large schemes of improvement." The same may be said of the Corporation now. Mr. Forbes Adam has turned out a truer prophet than the official Cassandras of the day. Our only regret is that a small band of misguided members, consumed with conceit and breezy notoriety now and again needlessly give a rude shock to the dignity of debate and needlessly prolong inconsequential talk. Happily the Bill was passed in conformity, with the views of the representatives of the rate-payers. It is certain, in the words of Mr. Adam, to " remain for many years to come a monument of wise and liberal and far-seeing legislature." The prophesy of that far-sighted Councillor has been magnificantly realised during a quarter of century that the act has worked.

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# CHAPTER LXVI

## THE ADVOCATE-GENERAL'S CRITICISM.

THE Honourable the Advocate-General, who followed Mr. Naylor, fully appreciated the arduous labours which had devolved on the latter in drafting the ponderous Municipal Bill of immense complexity. He observed that there would not have been found ten in the profession even in England who would have ventured to undertake to draft it. All the same, the Bill, even as extensively modified by the Select Committee, was not free from an imperfection, specially in regard to the distribution of the powers of the triangular authorities constituted under the draft Bill. He was not surprised, therefore, that there was a string of amendments on the subject. As prepared, the measure was of a halting character and liable to cause friction which should be avoided at all hazards. The division of powers, in Mr. Latham's opinion, was not completely carried out on the principle laid down by the Committee itself. He observed : "Considering the immense complexity of the measure, it would be crediting any man with superhuman powers to assume that the distribution of powers made by him could obtain unqualified assent from all parties interested. It is too sanguine to suppose that the distribution made by this Council will do it; but I hope we shall go along towards it, and that by the time the Bill leaves the Council the various functionaries will have those powers allotted to them, which the 51st section of the Report of the Select Committee suggests they should have.

It was evident from the above remarks of the Advocate-General how much more remained to be moulded in harmony with popular opinion with regard to the Bill even as licked into a rational shape by the Select Committee. Public opinion was not completely satisfied. That opinion found its reflex influence in the deliberations of the Corporation. We have already expatiated on the temper and mood in which that body criticised the Select Committee's measure and the spirit in which it demanded remodelling or expunging many a section which was deemed to be objectionable.

Mr. Latham then made some further observations which, we think, are of some importance to be recalled here. Firstly, on the subject of the constitution, he did not at all like the superior administrative body being designated the Town Council as was suggested in the draft of the Select Committee. "I purpose moving," said he, "and in this I shall have the support of everybody in Bombay, whether European or Native, with whom I have conversed on the subject, that instead of styling the Municipal body the Town Council, it shall be called the Corporation. I am in favour of calling the Town Council the Standing Committee of the Corporation." That change of designation, as the Advocate-General rightly observed, emphasised an important constitutional point. Mr. Latham was so far radically inclined in the matter of local self-Government in Bombay that he proposed even a change in the designation of the chief presiding authority at the Corporation. True to his English instincts, he wished to bring into prominence what he thought to be the proper possition of that functionary. Mr. Latham said, "I propose to restore the old name of Mayor instead of that of either Chairman or President. It existed in this city many years before

either President or Chairman were ever dreamt of, and this would bring the nomenclature into unison with that prevailing not only in England but on the Continent of Europe." But this was more than the Indian bureaucracy could tolerate. To have an *imperium in imperio* was so repugnant to the autocratic instincts of the distinguished service; to have a Lord President of the Executive Council and a Lord Mayor was indeed an impertinence and ought not to be tolerated. Why, that would necessitate a new table of precedence and all the rest of it. But in India there was only one aristocracy, the aristocracy of the Civil Service, and it could not tolerate near its throne, so exclusive and so lofty, another, whose chief may be designated the Lord Mayor of Bombay. So that the Advocate-General had eventually to give up that designation. But though the first Municipality in India cannot boast of calling its Chairman Mayor, we do not see what is there to prevent the President being clothed in the pageantry of a Lord Mayor. Every large Municipality in England has its Mayor who is invested with the insignia of his office and authority. Since the new Borough Councils have come into existence, there has been a healthy rivalry in different Borough Municipalities as to the robes of office and other symbols of mayoralty. And there have not been wanting benevolent citizens, who take pride in their civic affairs, to present an artistic mace to add to the pomp and dignity of the Mayor on important State occasions. Why should *Urbs Prima in Indis* be behind in such matters?

But to proceed with Mr. Latham's second batch of amendments. These were to be moved with the object of effectuating the distinctions which the Select Committee had drawn as to the assignation of powers and to correct the assignation when not in accordance with that principle.

There was a third class of amendments which had reference to the interest of the general body of citizens. They related to matters of law—the harsh way in which certain provisions were worked and the manner in which private interests of private persons had been sacrificed without any corresponding advantage to the Municipality. Mr. Latham was exceedingly strong on the subject, no doubt owing to certain Municipal matters having been forced on his attention by what he himself had seen in the High Court. He observed that "the excessive powers given have frequently led the Municipality into disastrous litigation, and the High Court has had to correct its errors in the exercise of the two extensive powers under the existing Acts." Though we are free to confess that his advocacy, combined with that of Mr. Telang and Mr. Mehta, was greatly instrumental in curbing the excessive powers referred to, there still remain many more which do act most harshly and oppressively, which, it is to be devoutly hoped, will be withdrawn when the present Act again comes to be modified. It is yet true that hardly a year passes by without some litigation in the High Court against the high-handedness of the Municipal Executive in which that entity is some times severely criticised. It leads later on to strictures of a trenchant character in the Corporation on such improper high-handedness.

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## CHAPTER LXVII.

### THE DEBATE ON "URGENCY" CLAUSES.

THE Honourable Mr. West, then recently made a member of Lord Reay's Government, was of opinion that the Bill would afford the citizens of Bombay a better means of transacting public business and give them a greater interest in Municipal affairs than they had taken hitherto. He was willing to recognise the general principle of the Bill. According to it, observed Mr. West, "the legislative and initiative force of the constitution" was centred chiefly in the Municipality. "It is they who are to organise the policy of the city, but the executive power is to be vested in, and exercised by, the Municipal Commissioner." Sir Raymond, however, apprehended that in practice there would likely be a conflict of the authorities. No amount of legislation could anticipate the contingencies of the future. Conflict is inevitable. On the whole, however, he thought that the measure, when passed into law, would be "an honour to the very able and distinguished gentleman" who had prepared it.

The Council then proceeded with the second reading of the Bill in detail. This was a formidable task, there being a large number of amendments put forward by the leading non-official members. At first there was some historical disquisition from Mr. Naylor on the retention of the word "Council" instead of the old word "Corporation" for the assembly consisting of 72 elected and nominated citizens. Mr. Mehta himself had, in the Select Committee, agreed to the new word as a matter of compromise, in

order to rechristen the old Town Council as the "Standing Committee" in future. It is interesting to note here why the Hon'ble gentleman insisted upon the change of appellation. He observed that he had always entertained "a strong objection to that body being called by its present name." It was not only inappropriate but suggestive of an altogether misleading connotation for practical purposes. Should the change remain undisturbed, then he was in favour of the larger body being called the Municipal Corporation and not the Municipal Council as suggested by Mr. Naylor. The Corporation was the name by which the Bombay Municipality was known for many a year, and it was also the name which was cherished by its members and the citizens at large with some pride. Some further parley ensued on the subject. Practically, there was nothing in a name, and the President, with his practical common sense, advised that it was preferable to adhere to names by which public bodies were long designated. It was undesirable to disturb the "titular continuity" of an institution which had given satisfaction to the public. So we have now the Corporation, as the superior administrative body, the Standing Committee as its delegated body to perform certain specific functions, and the Councillors, that is, the members composing the Corporation. Some members, however, even after well-nigh twenty-five years, *will* call their colleagues "Corporators," a word which certainly is not pleasant to pronounce or to hear.

Another unimportant matter which was discussed had reference to the Police Commissioner. Should he remain as a member of the Corporation? This was a question the legality of which had been raised in the old Corporation but not quite settled. The Select Committee, how-

ever, was unanimously of opinion that the Police Commissioner should be eligible for membership. Mr. Mehta urged a strong point in support of this by observing that it was a fact that a Police Commissioner became more amenable to the influence of the Corporation by being a member of that body than otherwise.

In the amended Bill it was enjoined that there should be at least five meetings of the Corporation in a year. Mr. Mehta asked that the word five might be left out. For years past the work of the Corporation had increased so largely that a meeting once a week had become the rule. It would be right and proper, therefore that the provision in the section should be nearer the fact. It was agreed that there should be one ordinary meeting per month.

Then came the question of urgency meetings. As the clause stood it empowered a meeting to be called on the requisition of four members of the Standing Committee practically without any notice at all. Mr. Mehta objected to this kind of notice where the time allowed to call an urgency meeting was almost next to nothing. He observed: "Remembering the character of the business to be transacted by the Corporation, I can hardly conceive any business of such urgency that it cannot afford to wait for a period of seven days; and it must not be forgotten that the President is empowered to call *special* meetings whenever he thinks fit." The need for urgency would arise on rare occasions, and it was undesirable to introduce the clause, as it was liable to be misused for snatching resolutions without sufficient deliberation. We know that casuistry enables even honest-minded people to permit themselves to indulge in irregular action, when they take a prejudiced or exaggerated view of the importance of some matter. He wished that the section relating to

urgency meetings should be struck out as likely to do more harm than good. On the other hand, Mr. Naylor was strongly for its retention, urging that it was essential with a view to facilitating the disposal of business and to enable the Corporation to cope with every emergency as it arises. The Advocate-General pointed out how the Corporation itself, on its representation to the Legislature, expressed its dislike to such meetings. He could not conceive of any emergency arising where business could not be transacted after giving full seven days' notice. Eventually it was agreed to give three clear days' notice.

Mr. Mehta had still stronger objections to another section in which the Standing Committee and the Commissioner were empowered to bring forward urgent business at a meeting without any notice whatever. He urged a strong reason for its omission. "It is not unlikely" said he "that the composition of a particular meeting as being favourable to a certain view may become an important element in judging whether a particular matter was of an urgent character or not. Even honest people allow themselves to be led away by sophistry on occasions. It is not fair to the Commissioner to place him in a position of such temptation." Mr. Naylor suggested the compromise that no urgent business shall be brought forward unless three-fourths of the members present at the time assent to its being brought forward. But Mr. Mehta persisted in having no clause at all. Thereupon the President intervened, observing that "Government was quite prepared to trust the members of the Corporation, whatever be the number of members present, and are not prepared to believe that they will steal a march on their absent and, perhaps, better informed colleagues." Mr. Telang pointed out that the Corporation itself objected to the clause under

discussion. There was a division on it. Mr. Mehta, Mr. Telang and Mr. Adam voted in favour of expunging the objected clause. But the Noes were in the majority, including his Royal Highness the Duke of Connaught, who was then a member of the Legislative Council, and the Noes had it their own way and that is why "urgency" is so often asked for now-a-days. It is, however, satisfactory to note that the Corporation has sometimes exercised wise discretion in refusing to grant urgency. Of late the frequency of this "Urgency" has been received with the greatest disfavour by independent councillors.

## CHAPTER LXVIII.

### SATISFACTORY AMENDMENT OF A MOST MISCHIEVOUS CLAUSE, NAMELY TO ALLOW THE COMMISSIONER TO SPEAK AT THE CORPORATION AS MANY TIMES AS HE WISHED.

THE next important constitutional points on which the Honourable Mr. Mehta was keen and on which he had given notice of amendment, had reference to the alteration which was made in the Bill about the status of the Municipal Commissioner. In the Act of 1872 that official was not the privileged person that the new Bill had contrived to make him out—a Sir Oracle who was to interpose his great authority whenever he liked so as to advance or obstruct a matter about which he was either biassed or prejudiced, and to speak as often as he liked by way of explanation, thus reducing to nought the actually superior administrative body. In fact, while in one direction they tried to make out the Corporation as the highest authority. they contrived, in a most naive fashion in another direction, to set up over its head the Commissioner, thus neutralising the privileges of the Corporation—a condition of things which no self-respecting and independent body of citizens could tolerate. There was considerable feeling, if not indignation, on the subject. But Lord Reay was a practical statesman and anticipating strenuous resistance to this head, he wisely inspired Mr. West to put forward an amendment. It was to this effect ; that in section 37, clause (*u*), line 275, the following words be inserted after the word "Councillor," viz., " and with the consent of a majority of the Council

lors present, ascertained by a show of hands, without discussion, may at any time make an explanation or statement of facts." Mr. West observed that the clause is obviously one which goes to the very centre of the constitutional principles of this Bill, and is of great importance to the Corporation, the Commissioner and the public at large. "Your Excellency," said he, "has considered this matter very carefully, and it has appeared to your Excellency in Council that although on many occasions it may be desirable that the Commissioner should have an opportunity of disclosing to the Corporation the real and existing state of facts when there has been some illusory statement, or at least an erroneous statement put before them, by somebody in possession of half a truth relating to public matters concerning the Corporation, yet it appears undesirable, on full consideration, that he should have the right to interpose his voice as often as he pleases, even in correcting facts, but it is considered quite safe to leave it to the discretion of the Council itself, whether or not those facts shall be stated. In constitutional countries, on the Continent chiefly, a minister in charge of any particular matter, particularly matters of finance or administration leading into a discussion of infinite detail, has a right, at any period of the debate, to get up and put up the house right on any matter on which he considers it has been misinformed, so that there was a good analogy on which the section, as it stood, could be based." Mr. West, while endeavouring to offer an apology on behalf of the framer of the section which he was going to amend, very clearly defined the only occasions on which a Commissioner could be allowed to speak and explain matters to the Corporation. But both he and the President deemed it unwise and antagonistic to all constitutional principles to pass into law a section which would

empower a Commissioner to interpose and obstruct the smooth working of the Corporation at his own sweet will. Such a power would have been tantamount to making the Commissioner an irresponsible and unmitigated despot; with every probability of doing mischief which might prove far-reaching in its effects. Mr. West thought the analogy could not be justified, and it was absolutely essential for the harmonious working of the superior administrative authority and the executive head that so large a power ought not to be allowed to a single man. Only, as he properly observed, "the Commissioner should have an opportunity of making any explanation of facts, though he should not be in a position to force his explanation upon the Corporation, which might come at the heat of the moment and plunge the body into personal dissensions—sometimes rather warm dissensions. There is this consideration, that if the Commissioner does not get up and happens to run counter, in many ways, to the general feeling of the Council on any point, although he has a right to speak, the members have an equal right not to listen, and they mey exercise it. Thus, instead of any good, it may possibly lead to an increase of irritation between the two constituents that the Council represents." It will be acknowledged that Mr. West had not only correctly gauged the feeling of the citizens, but anticipated the immense mischief the retention of the clause, as originally framed, might create in practice. His interpretation was perfectly correct. By all means, he said: "Give the Commissioner an opportunity, with the assent of the Corporation, of laying statements of facts before them, but he should have no authority to force his opinions upon them under the guise of supplying deficiencies or correcting facts."

The Hon'ble Mr. Mehta observed that Mr. West's amend-

ment substantially met the object he had in view in giving notice of his amendments to the clauses referred to, as he thought that it would restore the position of the Commissioner to what it was under section 43 of the old Act. He had "no objection to the limited power of giving an explanation" as proposed by Mr. West. Still he was not quite satisfied. He hesitated whether even this privilege to speak ought not to be properly embodied in the by-laws under the Act than in the body of the Act itself. Mr. West explained that the point raised by his honourable colleague had not escaped him. But he urged that if in the Act "you make due allowance for the Commissioner coming forward to speak in the Council, an objection might be made that you are going beyond the terms of the Act in allowing a stranger to speak. You might just as well make a rule that any one who keeps a shop in Rampart Row shall be permitted to speak." Mr. Mehta was, after this explanation satisfied with the amendment, which was, of course, carried, and thus a most mischievous clause was shorn of all the potent elements of mischief with which it was rife, and the victory of the constitutionalists was so far complete.

# CHAPTER LXIX.

## EXCEEDINGLY INSTRUCTIVE DISCUSSION ON THE INEXPEDIENCY OF ANY DEPUTY MUNICIPAL COMMISSIONER.

THE Hon'ble the Advocate-General was greatly enamoured of the idea of raising the Presidentship of the Corporation to the dignity of Mayoralty. But it was evident from the discussion which followed that it found little enthusiastic support from the rest of his colleagues. We may pass over the discussion, which has now only an antiquarian interest. Suffice it to say, that the amendment of the Advocate-General was negatived. That functionary next endeavoured to move that the President of the Corporation should also be Chairman of the Standing Committee, and as he never was in the Corporation, it is not surprising he was unable to perceive the inconvenience of the arrangement in practice. Mr. Naylor said no advantage would arise from his being an *ex-officio* Chairman. The Hon'ble Mr. Mehta observed that while he was in favour of emphasising as much as possible the position of the Standing Committee, it was not clear to him on what grounds the course proposed by the Advocate-General was deemed desirable. The functions and qualifications of the Chairman of the Corporation and of those of the Standing Committee were very different. Mr. Telang sympathised with the Advocate-General's desire to minimise friction between the two bodies. But there were weighty considerations on the other side. "I think the practice, which obtained some years ago and has been recently revived, is a very good one

—that the Chairman of the Town Council should introduce in the Corporation the proposals of the Town Council, and specially those relating to the Budget. This practice will have to be discontinued if the Chairman of the two bodies is one and the same person, because the Chairman of the Corporation does not ordinarily take part in debates, which also, I think, is a very proper rule." Agreeing with the "practical experience" of the members of the Corporation, the Advocate-General withdrew the amendment.

Considerable discussion of a prolonged but most instructive character ensued, at the sitting of 10th March, 1888, on the amendment of Mr. Mehta, with regard to the creation of the post of Deputy Municipal Commissioner in sections 56 and 57 of the Bill. That gentleman's amendment was to the effect that *all* references to a Deputy Municipal Commissioner should be omitted from every part of the measure. He had fears that, though section 56 was in its nature of an empowering character, it would not be long before that power would be put into motion. The burden of proving the necessity of having such a functionary lies with those who are in favour of it. To give the Commissioner a permanent Deputy was, in Mr. Mehta's opinion, a novel proceeding, "utterly unknown to our Municipal law." He was not satisfied with the reasons advanced to justify the creation of this new office. Whenever this subject was brought before the Corporation, that body fought shy of it and rejected it by overwhelming majorities. The sole reason given was that the Commissioner was being daily overworked. That functionary had to groan under the so-called excessive work he had to discharge. Over and over again, it was asked, what might be those peculiar and oppressive burdens under which he was bent down. "But," continued Mr. Mehta, "beyond vague

and general assurances, no detailed evidence of it has up to the present moment been produced." Even assuming that the work was growing, he for one denied that the remedy proposed was the right and proper one and in conformity with the constitutional arrangements for the purpose. If the work had really increased, then the right remedy was to strengthen the departments which had shown the increase but certainly not to get a Deputy at the elbow of the Commissioner. Whenever work had increased and departments needed extra permanent assistance, the Corporation had cheerfully and promptly accorded their support. But there was no need for a special provision for the purpose. In the opinion of Mr. Mehta the proposal seemed to be "utterly inappropriate." There was even a stronger objection to the creation of the post. "To have a Deputy Municipal Commissioner would be," he said, "to mar and destroy the integrity of the constitutional principles on which so much stress has always been laid, namely, that there shall be a *sole* Municipal Commissioner vested with full executive power and responsibility. The essential part of the principle lies in the executive officer being the sole officer, so that responsibility may unquestionably attach to him. To give him another officer to whom he can make over certain general duties would be certainly to divide that responsibility; and divided responsibility is no responsibility at all. It would thus be a grave infringement of a most important constitutional principle, and I view with alarm all trifling with important constitutional principles." Lastly, Mr. Mehta objected to the appointment being vested in the Governor in Council, which, again, was not free from certain danger. There was the fear that the Commissionership would constantly pass into the hands of a junior Civilian, a "contingency the possibility of which

was deprecated on all hands." The arguments and objections thus raised against the proposal were cogent and undeniable. Even now, after twenty-five years' experience, the Corporation might propound them, perhaps, with added emphasis.

Mr. Naylor endeavoured to meet Mr. Mehta's principal contentions. As to overwork, he thought, a case had been made out. He was satisfied that, during the period that he was associated with Mr. Ollivant in drafting the Bill, he had "an opportunity of learning what the work of the Commissioner" was. "I must say," he said, "that I have been very greatly impressed with the enormous amount of work" which a Commissioner has to perform. It is a curious commentary on this personal argument that even after twenty-five years' practical operation of the Act, during which the administrative work of the Municipality has taken larger strides, it has not been complained of that the Commissioner is so overburdened with work as to need a permanent Deputy at his elbow. Only for a specific and exceptional purpose a Deputy was appointed during the first three years of the plague epidemic. But even then the Corporation objected to the appointment, feeling that the work might have been equally well performed by two robust persons versed in sanitary lore. And very lately a deputy was nominated under the hollow plea that the Commissioner had had to attend to work in connection with the recent visit of Their Imperial Majesties. It was by a small majority that this appointment came to be made. Mr. Naylor, as a member of the Service from which Municipal Commissioners have hitherto been selected, was bound to magnify the work of the post, and he did it in his most handsome manner, painting everything in grand style. The picture thus presented to

his colleagues was no doubt a roseate one, but studying it even to-day, it cannot but raise a smile. However, it was excusable, this exaggeration of a brother Civilian who had seen or heard only one side of the matter. Conscious of the weak points of his picture, he was at any rate, candid enough to confess that if the work was not great at the moment, it was to be so later, and it would be wisdom on the part of the Legislature to provide for the future. The provision, in Mr. Naylor's opinion, was "a cautious" one, as it provided "for a contingency which may arise." But even to-day it is the opinion of a large majority that were the work to be tackled by an able, active and expeditious Commissioner it is not so over-much as to burden him or make him neglect his proper duties. And even as the present Commissioner has averred, the work has greatly increased, it is more or less out-door work which could be well discharged by special departmental assistants. The principle of sole and exclusive responsibility must be firmly adhered to.

Mr. Naylor, referring to the second point, replied that the appointment of a Deputy Commissioner could not in any way affect the position of the Municipal Commissioner towards the Corporation. The responsibility of that authority would remain precisely the same. The deputy would act under the orders of the Commissioner, and the Commissioner would be responsible for, his assistant's acts. Again, there is nothing in the Bill which will lead the Deputy Commissioner to think that he is in training for the Commissionership, or that he will have a vested right to succeed to that officer. "The Governor in Council, in the exercise of his discretion, will look to the fitness of individual claimants, as he has always done hitherto, and appoint the one who is best qualified."

Mr. Forbes Adam did not mince matters. He went straight to the root of the contention. He discounted the statement of Mr. Naylor touching the possible contingency of the "enormous" growth of the work of the Commissioner. Rather he would take the opposite view, seeing that tho large water-works and drainage would be completed in the course of a few years. He thought it quite possible for the Commissioner to depute a certain quantity of work "to competent subordinates," to enable him to accomplish the duties required of him "without overburdening or overtaxing" himself. Under the circumstances he did not see the necessity for the appointment of a Deputy Municipal Commissioner.

Mr. West did not agree with Mr. Adam in the statement that the work in future would decrease. "That is a fallacy," he said, "with which legislators in every age are deluded. We are always putting before ourselves the idea that by-and-bye our work will be accomplished, and that we shall be able to take matters very easily....It is inevitable, in a great and growing community like this, that the wants of a people will increase, as their horizon widens and their ideas rise upwards. This I venture to speak in a prophetic strain." Mr. West in all matters was nothing if not a prophet. He was a prophet in political and educational matters and so also in social ones. But somehow all his dark prophecies remain yet unrealised. As a prophet he discoursed most eloquently on the philosophy of human affairs, and concluded by observing that non-official members need take no alarm at the appointment, and they may rest assured that the Government would never indulge in patronage or nepotism. Alas! how unprophetic was all this!!

Mr. Richey, who followed Mr. West, adduced some statistics to demonstrate the fact how "enormous" was

the work of the Commissioner. Taking the figures of those days with the figures of to-day we should exclaim that the latter are appallingly more enormous still. All the same, in spite of this appallingly enormous work, five Municipal Commissioners in turn have survived it, so that in this case mere figures of correspondence and so forth, are no test of the actual growth of the work of a Commissioner —we mean such work as to be beyond his energy and strength.

Mr. Telang observed that he first thought that a deputy may be accessary, but that he should be appointed by the Corporation and not by the Governor in Council. Accordingly he had sent an amendment to that effect. Since then, seeing that there are in other sections of the Bill ample provisions made to meet the difficulties, he was of opinion that no such appointment should be created. "We have not," he said, "to look at section 67 alone, but we must also look at section 79, under which provision is made for the Commissioner getting all such assistance as he may require. And I point to the section because, with reference to the statement concerning the great amount of work in the Municipal Commissioner's office. I am not satisfied that it is work which is necessarily required to be done by the Commissioner or a Deputy Commissioner. . . I know that Bombay is not yet, if I may so say, like an extinct volcano, and that there will be plenty of work for the Municipality to do in future. But I repeat, I am not sure that it will be the sort of work for which an officer of the kind suggested by Mr. West would be required.....On the whole I am of opinion that this office should not be created. The Corporation does not want it, and has said so over and over again, and I do not see why we should say that such an officer should be appointed."

And here the debate ended. There were four ayes, namely, H. R. H. the Duke of Connaught, Mr. Telang, Mr. Adam, and Mr. Mehta, but there were four noes, namely, Mr. Richey, Mr. West, Mr. Naylor, and Mr. Barve. The amendment of Mr. Mehta, not to appoint a Deputy Commissioner, was therefore lost by the President's casting vote against it.

## CHAPTER LXX.

### FURTHER AMENDMENTS AND DISCUSSION ON MINOR CONSTITUTIONAL SECTIONS.

THE battle about the Deputy Municipal Commissioner, it is useful to remember, did not end with the rejection of the Hon'ble Mr. Mehta's amendment. There was the further contention as to the authority with whom the power of appointment should rest. They were excellent strategists, the three non-official representatives in the Legislative Council of 1888, who fought hard to win for the ratepayers as many constitutional and other privileges as their dialectical powers, sharpened by their municipal experience, could wrest from the hands of Government. Anticipating that the official majority was likely to throw out the amendment, the Hon'ble Mr. Telang had sent notice of another which he moved, namely, that the appointment of the Deputy Commissioner should rest with the Corporation alone. He first observed that he had a double purpose to bear in mind, either that the appointment of the Deputy Commissioner should be made by the Corporation or that, if the power be retained by the Government, such power should not be exercised except on the application of the Corporation. But Mr. Telang was strongly in favour of the first alternative, urging the reason that, inasmuch as the Executive Engineer and the Health Officer were both appointed by the Corporation, subject to the confirmation of Government, he did not see why the Deputy Municipal Commissioner should stand in a different category from the other two. Mr. Naylor opposed the amendment, urging as a ground that logically the appointment should be in the hands of the Government seeing that that authority is to appoint the Muni-

cipal Commissioner. No distinction can be drawn between the grounds which affect the Commissioner's appointment and the grounds which affect the deputy's appointment. The Advocate-General demurred to the argument of the Legal Remembrancer. He thought the appointment by Government would scarcely be in accordance with the spirit of the Bill. The arguments of Mr. Telang fully commended themselves to him. Mr. West, agreeing with Mr. Naylor, thought that it would be "a serious mistake" to allow Mr. Telang's amendment to pass. His reason was that, being appointed by the Corporation, the Deputy Commissioner "would hold his head quite as high as the Commissioner. "If the amendment is carried, its effect would be that when occasions arise, the deputy would be opposed to his superior. "There would be divided councils and general obstruction of business." Mr. Mehta, supporting Mr. Telang, pointed out in reply to what fell from Mr. West, that there can be no such contingency as he had apprehended. What had been the actual experience during the last fifteen years? There were the Health Officer and the Executive Engineer, both entirely subordinate to the Commissioner. But there was not a single instance on record, since the Act of 1872 came into operation, of any break of harmony between those officers and the Commissioner. He thought this was a complete answer to the apprehensions entertained by the Honourable Mr. West. On the votes being taken there were five for the amendment and four against it, so Mr. Telang's amendment was carried.

Further controversy, which was foreshadowed in the introduction of the second reading of the Bill, touching the Municipal Commissioner being allowed to act as a member of the Board of the Port Trust, then ensued. The Advo

cate-General was against overburdening the Commissioner with extraneous duties. Mr. Naylor argued on the other side, mentioning the case of Calcutta, where the Commissioner is a Port Trustee also. Opinions had differed, though he for one thought that the presence of such an officer was beneficial to the interests of the Corporation. Mr. Forbes Adam, returning to his former charge—and no commercial member in the Council had a better right to speak with experience and authority than he—observed that he can understand an officer of the position of a Municipal Commissioner being a valuable Port Trustee, but he failed "to see how the Municipality could reap much benefit." On the other hand they are never tired of referring to the arduous and onerous duties of the Commissioner. If so why burden him with this additional duty, not to speak of his being honoured with a seat in the Legislative Council, if the Government of the day wished it so. The duties of both offices may or may not be very great in themselves, but there is every possibility that they might interfere with his work in Bombay, about which the Corporation can but form an opinion. Mr. Mehta agreed with Mr. Naylor that the Commissioner on the board of the Port Trustees was a useful member. The President observed that the main object of the section under discussion was to safeguard the interests of the town, "seing how interwoven are the management of the town and of the port." As to the Commissioner being occasionally made a member of the Legislative Council, Lord Reay further remarked that "as the occasions on which the Governor would be inclined to make the Municipal Commissioner an additional member of his Council are so rare, I think the clause need not be retained." After hearing what fell from Mr. Mehta and Lord Reay, Mr.

Forbes Adam withdrew his opposition, and the clause touching the appointment of the Commissioner to the Legislative Council was deleted, while the Advocate-General altered his amendment which left the appointment as Port Trustee intact.

The next point under discussion was the salary of the Commissioner. Mr. Mehta moved an amendment that the Corporation should be empowered to increase his salary from Rs. 2,500 to Rs. 3,000. "With the arduous and responsible duties which the Commissioner has to discharge," said the honourable gentleman "it is but right and proper that his remuneration should be adequate and sufficient and even handsome. The increase should be given only after a period of approved service, say five years. Mr. Naylor agreed with the amendment but thought five years "too long a time," as it postpones the benefit to a period "when a Commissioner is utterly worn out by the cares and labours of his office." He proposed three instead of five years, urging that in Calcutta the Commissioner was allowed Rs. 3,000 from the very commencement besides house rent. Mr. Mehta interposed that "the Commissioner's duties are so various that he requires at least three year's for fully learning his work, and the next two years to show what is in him." The Council was divided on this point. There were only three in favour of Mr. Mehta's amendment—namely, himself, the Advocate-General and Mr. Forbes Adam. It may be mentioned that very recently the Government has sent a proposal to the Corporation whether it had any objection to the Commissioner being appointed a member of the Legistrative Council. The matter as we write is under consideration by a Committee of the Corporation.

## CHAPTER LXXI.

### FURTHER AMENDMENTS AND DISCUSSION ON MINOR CONSTITUTIONAL SECTIONS. (*Continued*).

THE "urgency" section to which reference was made by Mr. Naylor in the opening speech on the occasion of the second reading of the Bill, and to which Messrs. Telang and Mehta had given a rejoinder, came to be properly discussed in its order. But so great was the divergence of opinion among honourable members that after much discussion, in which subtle dialectics were brought into play, on both sides, the President was obliged to relegate further debate on the point to the end. It may, however, be useful at this stage to recount as briefly as possible the course which the discussion took. The Hon'ble Mr. Mehta had given notice of his amendment that clause *C* of section 65 be omitted. In moving the omission he succinctly stated the reasons. Firstly, he strongly objected to give the Commissioner in case of urgency *any power given by the Act* to the Corporation or the Standing Committee. Mr. Mehta could not conceive of any such case of emergency where it might be found necessary to exercise a great many of the powers vested in the Council. Secondly, he thought that while on the one hand no necessity had ever been felt for the existence of such a power, on the other hand, such a provision was liable to be misused or even abused. The clause would put a temptation in the way of the Commissioner to place a strained interpretation on the word "urgency." Under cover of it he might incur expenditure for which he ought to obtain previous sanction. In brief, the omission of the clause was urged because it was unnecessary and liable to be abused.

Mr. Naylor was surprised that so harmless a clause, passed with a view to providing a practical Code for the working of the Corporation, should have excited so much opposition. If there was provision made in the local Boards' Acts for meeting emergencies, where was the harm of its introduction into the Municipal constitution of Bombay? In the absence of such a provision the same thing would happen as before. Expenses may be incurred on an emergency arising for which sanction might be obtained afterwards. The Legislature should provide, he thought, against the Commissioner having at any time to commit an irregularity and afterwards to go to the Corporation to ask them to ratify what he had done. The very fact that in the construction of a lake like the Tansa it might happen that there would be occasional bursts of the dams, the urgency of taking the Corporation's sanction for repairs, at once, would be manifest. The probabilities of contingencies of this character arising were no doubt remote, but still the Legislature would be exercising a wise precaution by providing for such. He was, however, willing to qualify the word "emergency" so as to avoid all cause of questioning the cases in which urgency may be demanded. He would call it "emergency" in "which irreparable mischief may arise from want of prompt action." The Advocate-General demurred to it, and thought the provision should be omitted. To the argument of Mr. Naylor, Mr. Mehta rejoined that "a Municipal Commissioner who would feel unequal to such a task would not be worthy of that high and responsible position." Mr. West interposed that the omission of the clause might prove greatly inconvenient and not quite fair to the Commissioner. Why should he be placed in a false position by being at first made to override the law in order to act with

promptitude in an emergency without the previous sanction of the Corporation, and afterwards compelled to go before that body in order to say "Make me honest again." Mr. Telang remarked he could not understand Mr. West's reasoning. It was true that the emergency had been defined, all the same the power of the Commissioner remained. "It is admitted," he said "that you are providing for an emergency which may occur but once in a lifetime; yet the clause is one which covers events that may occur many times in a lifetime. It seems to me that the power in every probability would be misused. The legislature should not thus put the Commissioner in possession of powers which are very extreme." The discussion at this stage appeared to be interminable, and the President brought it to an end by suggesting that it may again be taken up at the close of the second reading, and that all the disagreeing speakers should put their heads together to arrive at some satisfactory arrangements.

The next matter which came in for serious discussion was the power of the Corporation to call for all papers and correspondence between the Municipal Commissioner and the Government. It seemed that owing to an incident which had occurred during the administration of Mr. Ollivant, when he refused to produce some important correspondence he had had with the Government, the Corporation felt rather sensitive on the subject. It argued that after all, the Commissioner, so long as he was the head of the Municipality, was a servant of that body, and as such it was improper on his part to carry on correspondence with the Government behind the back of the Corporation. Many a warm debate took place on the question. The Advocate-General moved an amendment that in section

65 B, clause 3 be omitted. He began by saying that it was a hotly debated point as to who was to be a fair judge about the kind of matter that should be brought forward or not. He was of opinion that no Commissioner ought to carry on correspondence without the knowledge of the Corporation or without the Corporation having the right to see it. He said, "The Commissioner has power to take legal advice, which it is quite right he should have, as to the relation between himself and the Corporation when necessity arises. But it is absolutely necessary that the Corporation should have the opportunity of seeing that advice and the case he has made, for we all know if you only get your case made out right you may get what opinion you want by laying a judicious statement before counsel. I hold that the Corporation have a right to ask for documents, and I can see no case in which the Commissioner can be justified in refusing to comply. I think, however, he has a right to point out that it will be undesirable to produce any documents. It will be left to his powers of persuasion and explanation to get the members to delay their request."

The Advocate-General's reasoning was sound, but the amendment formed another bone of contention.

Mr. Naylor was of opinion that the power sought in the Bill to be given to the Corporation to call upon the Commissioner to produce papers and correspondence, whenever necessary, was "a right and proper one." He thought that "it would be impossible for that body to perform their duties properly, unless they could obtain from the Commissioner all such information as they needed from him to enable them to do so." This frank avowal

was, of course, characteristic of that honourable and accomplished legislator, and Mr. Mehta had no hesitation in expressing his willingness to withdraw his own amendment on this point in favour of that of the Advocate-General with a slight modification in the nature of a proviso, that in cases where the Commissioner for a time saw substantial reason to withhold the papers, for protecting the best interests of the Municipality, it should be obligatory on him to produce them at some *subsequent* date when there could be no fear of prejudicing Municipal interest. It was perfectly reasonable for the Corporation to wait awhile, but at the same time the Commissioner ought to be able " to specify the time or the event which must occur before he will be prepared to produce the papers." That was considered an additional safeguard, and a sound and practical one. Mr. Mehta commenced by observing that he felt sure the Corporation was such a reasonable body that it would never insist upon the production of documents, which for the time being the Commissioner might declare it to be inexpedient to submit in the interests of the Corporation. As a matter of fact, instances have now and again occurred, since the passing of the Act, where cases had been pending in courts of law or referred to arbitration, in which Commissioners have been known to have advised the Corporation to defer for a while its request for the production of the papers appertaining to them, and where the Corporation has willingly followed that advice without demur.

The Honourable Mr. West was not prepared for the turn the amendment had taken, and the alacrity with which Mr. Mehta agreed to the Advocate-General's amendment, while withdrawing his own. He was a bit put out, which no doubt amused his colleagues not a little. He was

surprised at being "drawn off the rails" by the lead the honourable gentleman had taken. He was in favour of the power allowed to the Corporation, but not in that of the suggested proviso, namely, that the Commissioner may for a time only refuse to produce the papers when he thought fit. He wished such refusal to be made absolute. "A case may arise," remarked Mr. West, "when the premature disclosure of a document might have a prejudicial effect—say with respect to a contract or a case—and the facts being disclosed might affect the Corporation to the extent of several lakhs of rupees. It occurs to me that the Commissioner should have the absolute right to refuse." So argued Mr. West, who went to the constitutional history of England to fortify his point, dragging the case of Queen Caroline in Parliament. A profound jurist, as he conceived himself, Mr. West would have belied his reputation as a legislator had he refrained from displaying his great judicial lore. He eventually appealed to Mr. Mehta, in a spirit of *miseria cordiam*, "whether it would not be better to keep to his own amendment rather than accept that of the honourable the Advocate-General." That robust legislator politely replied that as he considered that the amendment of the last named was "a better one," he felt "bound to support it" in preference to his own. The President seemed distressed at the way in which the wind was taken off the sails of his colleague in government. So that he solved the *impasse*, by suggesting that this matter, too, might be relegated to the end of the proceedings.

The next important section which came on for consideration was the one having reference to the Municipal Accountant. This post had been the theme of no little animadversion, sometimes of a warm character, too, in the hall

of the Corporation. Its creation was strongly opposed by that body, as we have already pointed out. It was urged that the chief officer of Municipal finance should be as much independent as the Health Officer and the Executive Engineer; that it was inexpedient and unwise to have him under the thumb of the Municipal Commissioner. Since this matter was referred to once more, in the Corporation, we make no excuse for dwelling on it at some length. We think it is time the Corporation should know exactly why it strongly opposed the appointment of the accountant being left to the Commissioner, and why the Legislature opposed it with equal strength and carried the point by a majority of official votes. Mr. Mehta's amendment contemplated the making of that appointment independent of the Commissioner. At the very outset he begged of his colleagues to give it their most careful and earnest consideration. He claimed extension and development of the Corporation in all directions in which, as he very properly remarked, "experience has shown they could be safely carried out." The "conspicuous success" which the Corporation had attained in the efficient management of the city's affairs, entitled it to claim further development and extension of its powers and privileges. Two demands were made, not at all unreasonable or ambitious. They were modesty itself—namely, the right of the Corporation to see that it elects its own Chairman of the Standing Committee, and the right to appoint its own financial adviser. The first right the Legislature wisely conceded and the city was thankful for it. As to the second the honourable member urged that it was one which was "strictly based on and justified by the results and lessons of past experience." The same arguments whereby opposition was shown to the appointment of the Health Officer and the

Engineer being entrusted to the Corporation, in 1872, when the Act III of that year was under consideration, seem to have been trotted out on the present occasion. It was apprehended then that the Commissioner would come into constant friction with the two officers if they were not made his subordinates. But " in spite of those forebodings" the appointments were vested in the Corporation, and fifteen years' experience fully confirmed the fact that the original forebodings were absolutely groundless. " The Heath Officer and the Engineer have, in spite of their being elected by the Corporation, uniformly rendered the most cheerful and loyal obedience to the Commissioner. Therefore it is," continued Mr. Mehta, " that I now submit that the appointment of the third great department of the Municipality—the Accounts Department—should also be vested in the Corporation. The only objection that I have so far heard against my proposal is that the head accountant stands on a somewhat different footing from the other two officers. But if there be any difference it is in reality in support of my own proposal. There may be differences of opinion in matters of public health and public works, but where can be the difference where arithmetic, an exact science, is concerned. The Accountant's Department simply deals with mathematical matters and figures only. I cannot imagine why the head accountant should be more under the Commissioner's immediate and absolute control, unless it is thought desirable that facility should be given to him for manipulation of accounts to hide irregular and unauthorised action. I have pointed out that experience shows that so far as legitimate work is concerned, nomination by the Corporation does not produce insubordination; at the same time, it will have the positive beneficial effect that, as their appointment is in the hands of the Corpora-

tion, the officers so elected are not likely to lend themselves easily to irregular or improper action. This is a more valuable and important check than is generally imagined."

Mr. Mehta's reasoning was unanswerable, but the official legislators held on most strenuously to this appointment as a reserve for the Commissioner. We shall in the sequel show what fine arguments they urged in favour of the appointment being left to that officer.

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## CHAPTER LXXII.

### THE BATTLE ON THE CONTROLLER OF ACCOUNTS.

PURSUING the debate further it may be observed that Mr. Naylor contended for leaving the power in the hands of the Commissioner. In so contending, he gave his colleagues an excellent and most lucid account of the duties of that official. As different notions had prevailed on the subject, it was really a service which Mr. Naylor rendered by clearing the matter of all misconceptions and ambiguities. Moreover, since it was only claimed on behalf of the Chief Accountant in the hall of the Corporation that his duty was to *control* the estimates and the expenditure of the Health and Engineering departments—an altogether untenable claim as the Hon'ble Mr. Mehta completely demonstrated by a reference to what fell from Mr. Naylor—it is just as well that we should fully quote that legislator. Many a Councillor, it is to be presumed, has by this time forgotten, perhaps, what Mr. Mehta read out at the time. The quotation we are now reproducing will refresh their memory and serve for purposes of handy reference if at any time the controversy is again raised. "I must explain at the outset," remarked the Hon'ble Mr. Naylor, "that the officer in question is *not* controller of the Municipal accounts." This is the first misnomer knocked on the head. "For a few years past, he has been *erroneously so called, but his function is not to control accounts.* The *real* control of the expenditure and of the accounts is vested in the Town Council (now the Standing Committee)

and in the auditors appointed by the Corporation. If this control is thought to be too weak, then, I submit, the remedy is to appoint a controller; *but that officer should hold his appointment outside of the Commissioner's office* and not within it. I have seen the appointment of this officer compared with that of the Accountant-General, *but that is not a correct comparison—he really corresponds to a Collector's Head Accountant.* The officer in question is the head of the accounts department under the Commissioner and receives his promotion in the Commissioner's office, rising gradually, according to his fitness, from the lower grades of accountant. He is, and should be, entirely under the orders, and in every respect, subordinate to the Municipal Commissioner. The result of the Hon'ble Mr. Mehta's amendment would be that the officer concerned would look rather to pleasing the Corporation than the Commissioner, and that is a state of things which would be intolerable. I do not credit the Municipal Commissioner with any wish to manipulate his accounts or to have the means of enabling him to do anything of the kind." It will be clear from his quotation that Mr. Mehta and Mr. Naylor viewed the appointment from different standpoints. What the Corporation had more than once insisted upon was a *Controller* who should be *outside the Commissioner's office* and solely responsible to that body alone. The Act, in spite of the Corporation's request, did not provide for such a desirable officer. Instead, it gave an accountant, a head book-keeper whose duties were to be those described in Mr. Naylor's speech. This accountant only was provided for in the Act, and so far Mr. Mehta was rightly contending for the superior and really controlling officer whose necessity has been amply demonstrated by the actual practical experience the Corporation had had

during the earliest years. In reality, while the Corporation of 1888 wanted one thing the Legislature of the year gave it another, which was wholly unsatisfactory.

The Hon'ble Mr. Forbes Adam, in a short but pithy speech, pointed out how the object of the Corporation could be served by allowing Mr. Naylor's superior book-keeper to be appointed solely by the Corporation. He observed "I gather from the remarks of the Hon'ble Mr. Naylor that the chief accountant is, for all practical purposes, a book-keeper. That is to say, certain monies are voted for certain purposes, and the expenditure of these having been carried out by the Commissioner, it falls then upon the chief accountant to enter them. Supposing that the chief accountant is appointed by the Corporation, I cannot see that it would in any way interfere with the advantages pointed out by the Hon'ble Mr. Naylor, which are derived by the Commissioner. He would still be able to obtain from him all the information he had been accustomed to obtain. My opinion is that the appointment should rest in the hands of the Corporation, *who have a right to demand this guarantee against irregularity.*" But the fact is, the official mind had set its heart on having the accountant under the official thumb.

Mr. West differed from Mr. Mehta. He was of opinion that something more than arithmetic was demanded from the accountant. But figures lead to disputes, as every official is aware when he recalls to mind his passages-at-arms with that inexorable entity yclept the Accountant-General. Speaking from his personal experience, the honourable member observed that "the most harassing and troublesome correspondence which comes under my observation is correspondence in which various officers in the mofussil are at war with the Accountant-

General as to the proper appropriation of various sums." Then there are debatable questions of accounts as between firms and banks. What firms and banks have to do with the Municipality it is not easy to guess. Disputes between the two are hardly a subject for disposal by a Municipal Accountant, and even at this day we wonder why this argument was dragged in by Mr. West, seeing it is so utterly irrelevant. It may be that banks by themselves or firms by themselves may have some disputes, but why should there be any hitch at all in the Municipal accounts owing to disputes arising between a merchant and a banker outside the Municipality. Mr. West had, as a profound and subtle jurist, the knack of dragging into the debate some hair-splitting arguments. He spoke on this subject from his experience on the bench, where many disputes as to figures had been adjudicated as between bankers and firms. But that is altogether a different matter. To infer from that experience that the Municipality will have similar disputes was rather a very broad proposition—a jump from the particular to the universal. Then, again, he was quite irrelevant on another point. He discoursed again on the system of Native and English book-keeping. But why that should have been dragged in is another profound mystery which the Hon'ble the Judicial Member was alone capable of solving. The Municipal accounts are kept in English, and the official system of book-keeping is followed. How at all, there was any need for native book-keeping to be brought forward in support of the question, whether or not the Accountant should be under the control of the Corporation or under the thumb of the Commissioner is not clear. The only other argument of a rational nature adduced was that "it was better to stand by a system which has worked well than to make experiments

the result of which may be doubtful." This was a wise but specious saying. It was also fallacious, in that the Corporation had demanded what it had known by its experience was absolutely successful. There was no dubiety about its demand. Moreover, the demand did not involve any change of a "system." Between 1865 and 1872 there was a Controller of Accounts independent of the Commissioner. The control was kept well in hand during the incumbency of the first official, Colonel Thacker. It had been a great success, and would have proved even a greater one had not public exigencies removed him to another post. Again, the last argument brought forward by Mr. West was also of a very wonderful nature. If the appointment rested with the Corporation there would be no promotion carried out in the office! Let us quote this precious part of his speech. He said :—"By reason of allowing the Commissioner to make the appointment, a general system of promotions is carried out in the office, which, I think, cannot be regarded as other than desirable. But on the other hand, if the Head Accountant is to be elected by the Corporation, the probability is that the appointment will very seldom be given to the next man in the office who may be thoroughly qualified and entitled to take it, and will in that case certainly be the best man to fill the position. Exactly. The Corporation's officials are all selected from outside the Municipality. The Health Officer and the Engineer had been so selected, and had the appointment of an Accountant rested with the Corporation that body would have gone to select one in the place of the late Mr. Sorabji Cooper from outside. But what has actually happened ? The Act eventually left the appointment of the Accountant with the Commissioner. According to Mr. West's statement, the next best man in the office

should have been given the promotion. Was this done when Mr. Cooper died in 1899? His next best man had more than once acted for him during his leave of absence. He had been reported as having satisfactorily discharged his duties and served besides for a long term of years. And yet when the time came for promotion to the permanent post he was thrust aside and an outsider brought! This single fact establishes the complete hollowness of the last argument which Mr. West urged in support of the original proposition, namely, that the Accountant should be appointed by the Commissioner and not by the Corporation.

But the Hon'ble Mr. Telang had no difficulty in overthrowing Mr. West's arguments. If, he remarked, the description given of the Accountant is correct, then, "that description begs the whole question. I say he is the Chief Accountant of the Municipality. I do not see why the Chief Accountant of the Municipality should not be appointed by the governing body of the Municipality. To call him the Commissioner's Chief Accountant is just as much a misnomer as it would be to call the Health Officer the Commissioner's Health Officer, or the Engineer the Commissioner's Engineer." Neither could Mr. Telang understand Mr. Naylor's other argument, touching rival authorities. "If," said he, "the accountant obstructs the policy of the Commissioner by refusing to allow any cheques to pass for sums which the Corporation has not sanctioned, he is acting in the discharge of his duties, and the obstruction is justifiable in the interests of the Municipality; but if he says to the Commissioner in regard to sanctioned expenditure, 'no, you shall not spend the money in the way you desire,' he will be clearly going beyond his functions altogether." And under the circumstances

Mr. Telang confessed his inability to follow the arguments of those who were in favour of the Accountant being appointed by the Commissioner.

Mr. Richey followed Mr. Telang. He began by laying down the disputable proposition that "the Municipal Commissioner is the head of the accounts and finance departments and is responsible." Arguing on this fallacious proposition he tried to controvert Mr. Telang's opinion by saying that the Accountant was therefore subordinate to the Commissioner. We may dismiss this official logic from our mind. The fact is that it was taken for granted, already, that come what may, the accountant should be dependent on the Commissioner. The logic and honours of the argument rested with those who had supported the amendment. But there was the "mandate." And so it happened that in favour of Mr. Mehta's amendment, there were, besides himself, Mr. Telang and Mr. Adam. Against it were H. R. H. the Duke of Connaught, Mr. Richey, Mr. West, Mr. Naylor, Mr. Barve, and the Advocate-General. Thus the amendment was lost. But it may be taken for granted that when the Act comes to be considerably amended again a more serious battle is certain to be waged against the existing arrangement. The Corporation will, through its representative in the Legislative Council, fight tooth and nail to have this appointment under its own control.

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## CHAPTER LXXIII.

### MUTUAL TOLERANCE OF OPINION IN DEBATE AND SMOOTH PROGRESS.

A MOST instructive feature of the debate on the Municipal Bill, which eventually passed as Act I of 1888, was the freedom from intolerance of the non-official representatives' opinion on the part of the official members. There was a deference to opinions expressed on both sides. Arguments and objections were freely discussed and pointed out in a most catholic spirit, prompted, no doubt, by the sentiment that after all both kinds of legislators, official and non-official, had one common duty to discharge, namely, to legislate for the benefit of the people at large, and not for any sectarian or other limited interests. As a result of the exercise of this spirit of legislative broad-mindedness, many a small section which needed amendment was easily got through. There was a feeling of "give and take!" In short, "sweet reasonableness,' pervaded the entire deliberations of this particular Legislative gathering, which was greatly instrumental in securing to the rate-payers a Municipal Code almost as complete and comprehensive as it was possible to devise through the combined talent, European and Indian, gathered at the table. No doubt, its operations have shewn many an imperfection. But where was the law framed by human intellect which was perfect? These imperfections will, no doubt, be removed when the Code next comes in for comprehensive amendments, though much will depend on the tone and temper of the Government of the day, and the

narrow or broad spirit in which it conceives the amendments. Anyhow, Lord Reay's Council was remarkable for the many compromises made, where differences of opinion arose, without violating the broad principles on which the Bill was founded. This, then, was the most satisfactory feature of that deliberative assembly.

It was thought at the time that the Health Officer might be permitted sometimes to hold some other Municipal Office in addition to his own. It was pointed out by Mr. Mehta, that as things went that officer had enough, and more than enough, to do with his duties proper, and it was unwise to saddle him, even temporarily, with other duties which would have the effect of only increasing his burden. A compromise was effected which was agreeable to all. Then, there was the section which contemplated that all appointments *above* Rs. 300 per month should receive the previous sanction of the Corporation. Mr. Telang pointed out that the limit was high and it was needful to lower it, say to Rs. 100. "I believe," he remarked, "that even the Government of Bombay cannot create offices the emoluments of which are Rs. 200 per month or upwards, without the sanction of the Government of India, and I don't see why our Municipal Commissioner should have larger powers." Mr. West interposed as follows: "Might I suggest, with the object of effecting a compromise, that the limit be Rs. 200? I trust that will meet the views of both gentlemen, and this will assimilate it more closely with the maximum adopted by the Government of India." The President asked his Council, "Shall we say Rs. 200?" All agreed, and the suggestion was adopted. Many a minor section was amended in the same spirit of compromise, of which the little debate just reproduced above may be taken as a fair specimen.

Then, there was a long disquisition on the amendment of the Advocate-General. Many indeed were his amendments, always conceived in a liberal, even radical, spirit, which were opposed to the views of the governing authorities. This, however, did not deter him from moving them, and that, too, with considerable cogency of reasoning, though in a few cases his want of practical experience of the proceedings of the Corporation led him astray. There was a new section in the Bill which empowered the Commissioner to undertake work which was certified by the Secretary to Government to be urgently necessary for public service. The Advocate-General considered that the Commissioner should act constitutionally, that is to say, he should not immediately obey the orders of Government but first take the sanction of the Standing Committee. His principal reason was this. He admitted that emergencies may arise (in case of war or other calamity) in which Government may call upon the Commissioner to take immediate work in hand. But he thought that it ought not to be taken in hand without the previous sanction of the Corporation. "I do not think," he said, that any communication should be addressed from any outside body—and to the Corporation the Government is an outside body—to the Commissioner direct. The Commissioner is an officer of the Corporation; and I think he should neither be addressed nor entitled to comply with a requisition, such as that here contemplated, without the consent and sanction of the Standing Committee. He should not be put into a position to use his own judgment as to whether he will comply or will not comply with such a requisition. If the Commissioner is a Government servant, he is put in a delicate position in having to say whether he will comply with the requisition of Govern-

ment or not. A nervous man might consider that he was injuring his future prospects by refusing. Therefore I think it should be laid down that any communication should be with the Standing Committee and not with the Commissioner himself, and that without the consent of the Standing Committee he shall not proceed to comply with it."

Mr. Naylor thought the Advocate-General had somewhat misconceived the kind of occasion on which the section was intended to be brought into operation. It was really drafted to make provision for a contingency which had arisen more than once. He referred to the Malta expedition, when the Government had to call upon the Municipality to undertake certain jobs at the workshop. "The occasions to which the section applies," said Mr. Naylor, "are such that no Standing Committee or Commissioner should wait to consider whether they or he will comply or not, but having the means of complying, should unhesitatingly comply at once. Under such a circumstance, to address the Standing Committee would involve loss of time." As to the other contention of the Advocate-General, Mr. Naylor observed that as the executive authority of the Municipality the Commissioner is not a subordinate either of the Corporation or the Standing Committee, but is co-ordinate with those bodies who constitute with himself, the three "Municipal authorities, charged with carrying out the provisions of the Bill." Mr. Mehta did not agree with Mr. Naylor that it was wrong in principle, that the Standing Committee should be allowed to sit in judgment upon a requisition of Government. In reality, the section places the Commissioner in the very same position, for the words are not "the Commissioner shall," but that "the Commissioner may undertake" the

work. If therefore, there has been no objection to place the Commissioner in such a position, why then any objection to the Committee being placed in the same position? The amendment of the Advocate-General was simply directed as to the individual to whom the requisition should be addressed. Mr. Naylor did not point out where was the fault in the argument.

Mr. Telang also observed that he agreed with the principle formulated by the Advocate-General. As originally drafted the section was very objectionable. But the section as afterwards modified removes the original objection in principle. The Corporation itself is agreeable to it as so amended. All that that body wished was that in an adjustment of accounts between the Corporation and the Government, the latter should apply the same principle which was applied by them to the work they obtained from other bodies. This was indeed a wise provision which was sought by the Corporation as the result of previous experience of the matter in dispute.

The Advocate-General saw the trend of the opinion of his colleagues and was not anxious to press his amendment; but he could not refrain from being ironical. He said: "I think the section is a mistake. In case of emergency the Government has the power to transcend the law?" Mr. Mehta observed that, taking all things into account, and remembering that cases of the sort contemplated would be extremely rare, it was hardly worth while to press the amendment. So the Advocate-General withdrew it.

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## CHAPTER LXXIV.

### DISCUSSION ON REFERRING BACK A BUDGET.

IT may be noted in passing that though throughout the debate on the Municipal Bill, which is now Act I of 1888, the Hon'ble Mr. Telang, the Hon'ble Mr. Forbes Adam, and the Hon'ble Mr. P. M. Mehta, acted in unison, as the three outside independent representatives of the city, there were a few occasions when one or the other of them separated from his colleague and gave his vote on the opposite side. The fact illustrates how far there was freedom of action, wrought by independent conviction on a particular matter before the Council. One of such occasions arose while the Legislature debated on the provisions relating to the Municipal Budget. The matter forms the special subject of this chapter, it is in the fitness and order of things that we should enlarge on it.

The Advocate-General who, again, it must be observed, acted throughout the interesting proceedings independently, and moved amendment after amendment, bearing clearly in mind the constitutional principle and the importance of bringing the Municipal code as much as possible in the direction of placing more power and responsibility in the hands of the ratepayers—moved that in the original section 129, after the words "Budget Estimate," the words "or any items therein" be inserted. As so amended the section, as a whole, would have read as follows :—"Subject to the exigency of subsection (1) of the last preceding section, the Corporation may refer the Budget estimate or any item therein back to the Standing Committee for further

consideration, or adopt the Budget estimate or any revised Budget estimate submitted to them, either as it stands or subject to such modification as they deem expedient, provided that the Budget estimate finally adopted by the Corporation shall fully provide for each of the matters specified in clauses (b) and (c) of section 126." He urged that it was right and proper to empower, whenever found necessary, the Corporation to refer any item back to the Standing Committee. He thought that it would be a cumbrous and inconvenient process to refer back the whole Budget on account of a single item. Far better that an item objected to should be referred back separately and by itself. It was a sensible amendment but, as usual, there was a difference of opinion. The Advocate-General, speaking and thinking in the abstract, was perfectly correct in moving it; so, too, Mr. Forbes Adam and Mr. Telang. On the other hand, Mr. Mehta was of opinion, from his close practical experience, that it might be better to leave the section as originally drafted. Mr. Telang differed because, it is to be feared, he had not had the same close and intimate experience of Budget discussion in the Corporation as his senior colleague Mr. Mehta. The amendment was considered carefully by that gentleman and Mr. Naylor in the Select Committee, and it was resolved not to press it. But the Advocate-General thought it of sufficient importance to do so.

Mr. Mehta, referring to the amendment, observed that it might seem odd that he should be against the proposal, but his experience of the manner in which alone the Corporation could deal with the Budget had led him to form a strong opinion against its utility. We may quote his argument in his own words. "The power to refer back separate items to the Committee can serve no useful pur-

pose, while it is likely to be productive of unnecessary delay. A Budget is not sprung upon the Corporation all at once. It is prepared by the Commissioner in the first instance who lays it before the Committee. The Committee carefully discuss and settle it, and send it with their remarks to the Corporation. If the Corporation do not agree with the main principles in which the Budget is framed, it is right and proper that they should have the power of referring it back to the Committee. That power is given by the section as it stands. If the main lines of the Budget are approved, then the Corporation are competent to deal finally with the separate items themselves, and they have the necessary powers to do so. The Commissioner, the Chairman of the Committee who introduces the Budget, and the members of the Town Council are all there to give any information that may be required. And as there has been an opportunity for every member of the Corporation to consider it beforehand, there will also be thus an opportunity of previously obtaining the information a member may require. I consider it of some importance that members of the Corporation should be encouraged and required to study .the Budget before it comes on for discussion. The power of referring back items would lead to a very loose way of dealing with the Budget ; and items would be referred back to escape the effect of grappling and dealing with them at once, a tendency which is not infrequent in the deliberation of large bodies. The settlement of the Budget might be thus unnecessarily delayed indefinitely. Experience has shown to me that a power like that proposed to be given by the amendment would have very few occasions on which it could be at all usefully exercised, while it is very likely to be loosely and incautiously used so as to cause the needless delay."

We have quoted Mr. Mehta's reason against the amendment at full length in order that Councillors of the present day and other enlightened citizens interested in municipal finance, might clearly comprehend why it was thought inadvisable to pass the amendment. Those members of the Corporation who have carefully watched the operations of the existing Municipal Act, so far as its Budget provisions are concerned, will have no difficulty in sharing the views which Mr. Mehta so forcibly submitted to his colleagues in the Legislature twenty-five years ago. Every year's accumulated experience tends only to emphasize the force of his reasoning. And with the new element recently introduced into the Corporation it must have been noticed how there is a disposition to take minute objections, mostly of an inconsequential character, to many an item in the Budget. Had the amendment of the Advocate-General been passed, there is not the least doubt that the carping representatives of the ratepayers would not have failed to avail themselves of it for purposes of needless obstruction. Thus the wisdom of Mr. Mehta in this particular matter seems to be amply justified by practical experience.

Mr. Adam, however, remained unconvinced, and so, too, Mr. Telang and the Advocate-General. These three voted in minority, and the section was allowed to stand as originally revised by the Select Committee.

## CHAPTER LXXV.

### ASSESSMENT OF GOVERNMENT LANDS AND BUILDINGS.

AN instructive debate arose out of the proposal made by Mr. West touching the assessment of all Government properties in the city by means of a Special Officer and a reduction in the general rates. The object of the honourable mover was to define more closely the relation between Government and the Municipality in respect of the taxation of buildings and lands connected therewith in the occupancy of Government. He thought it "a hopeless task to arrive at a perfectly satisfactory determination as to the method in which buildings and lands, the property of Government and used by Government in the exercise of its sovereign power, should be assessed for local purposes." There were many cases before English law courts in reference to the matter, and many subtle arguments for and against were urged as to the principles of rating. The interests of the city and the citizens are one thing, and the interests of the Government are another. At the same time they are so interlocked that it is not possible to demarcate where the one ends and the other begins. Hence it was deemed essential to arrive at some mutual agreement on the basis of which the Government buildings might be assessed. Mr. West urged that there were several considerations attaching to these which do not attach to ordinary properties more or less built for purposes of profit. And here the arguments of that legislator may be given in his own words. He took the ins-

tance of the local Secretariat, specially of the parlour where it is customary to hold meetings of the Legislative Council. The hall "would be very valuable for the purpose of a bank and would sell for a considerable sum on account of its situation. But if it were rated at all it would, supposing it were let to a bank or mercantile firm, be rated for a profitable, a beneficial occupation, which does not now exist." Most of the public buildings are of a non-productive character but are occupied for the purposes of carrying on the administration of the Presidency. Of course, as there is an occupancy, these buildings should pay something, but, contended Mr. West, not to any such extent as private buildings do, which are mostly for the benefit of their owners. Again, public buildings are not always built on purely economic considerations. For instance, the Secretariat premises "might have been run up as a chawl, but it would not be an ornament to the city and pleasing to every citizen who walks by, who undoubtedly gets a degree of pride as well as of profit out of it, and regards it with a certain degree of self-gratulation." Then there are open recreation grounds owned by the State. They are a perpetual source of health to the people. Were these grounds to be charged the full rates, the State might retaliate and levy an entrance fee which to a certain extent would make public health suffer. Hence, he thought, there was "a strong claim to consideration, in dealing with public buildings. They ought not to be placed entirely and without qualifications on the same footing as if they were banks, mercantile buildings or offices of railway companies." Lastly, the very handsomeness of the public buildings which by being things of beauty and joy contribute to the pleasure of the citizens from the æsthetic point of view, is another consideration.

The method of assessment would be a method of detail but, observed Mr. West, it was essential that a duly qualified officer should be appointed once in five years to make an estimate, such person being first approved by the Corporation.

Mr. Forbes Adam thought the principle sought to be agreed to was a sound one, but he wished to draw the attention of the Government to the properties of the Port Trust which were also subject to Municipal rates. As a representative of the Port Trust, which also held a "peculiar and special position," he was bound to see a satisfactory solution regarding Port Trust properties also.

Mr. Telang referred to the trouble which the Corporation had in years gone by on this very matter. There were disputes as to the taxing of crown properties at all. Leaving, however, the ancient controversies alone, he came to the point. He was not able to gather from Mr. West's remarks why there should be a special person appointed to assess the valuation of state buildings. "The original fixing of the assessable value on these and all other buildings in the city, should be made on such a basis that equal justice may be meted out to the poor ratepayer and the wealthy Central Government, and this can be best secured if the assessment is made by one and the same officer." Then, with regard to the reduction of a certain percentage in the rates proposed by the mover, Mr. Telang admitted that there was considerable force in the reasons adduced. Still, there was something to be said on the other side. "It is to be remembered that it is not only Government which builds on other than purely economic principles. Private householders also build sometimes on other than economic principles. But no deduction is made on account of the æsthetic appearance of their buildings which may be as

pleasing to the eye as those large buildings of Government to which the Hon'ble Mr. West refers. Yet, surely these houses in which æsthetics receive as much attention as accommodation or economy should meet with similar consideration." Then there was the further argument as to the Government being the Government of the whole Presidency. If Government parts with some of its power in certain areas in favour of Local Boards, the question is how much it should part with, at the same time, out of the general revenues derived from the whole Presidency. On the whole Mr. Telang could not see his way for a justification of the deduction proposed, namely, two-tenths of the rates for which all the Government buildings may be assessed.

Mr. Mehta thought the proposal was doubly prejudicial to the income of the Corporation. Firstly, the rateable value itself would be estimated low by the special officer. Secondly, there would be the further deduction of two-tenths on this low estimate. In fact, the percentage of deduction was too large. He was prepared to admit that a large owner like Government should be allowed some deduction for the saving in the cost of collection and incidental litigation. He would in all allow ten per cent.

Replying to the whole debate, Mr. West remarked that Government was after all an abstraction ; it had no personal interest in this matter. He was afraid that with ordinary assessors Government would oftener than not be dragged into litigation. There would be continuous wrangling between it and the Municipal authorities, which would be very undignified. If the Corporation approved of the nominee of Government, there could be no further objection to the special officer. Mr. Telang's argument in favour of private persons who may have beautiful buildings must

be admitted to involve a certain amount of selfishness or selfish consideration. There was no such consideration with Government—"the only selfishness is in its desire to please its children in Bombay and raising the general credit of the Empire by putting such handsome structures before the eyes of the people." As to the other argument of Mr. Telang, Mr. West urged that the same buildings, if located at Bandra or Thana, would scarcely be rated at anything approaching to what they are rated for in the city. "Therefore it appears to me," he said, "quite reasonable that Government buildings placed in the centre of Bombay for public convenience ought to be allowed a very considerable reduction on account of their contribution to the general comfort and welfare of the city.' Eventually the amendment was passed without a division.

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## CHAPTER LXXVI.

### INTERESTING DISCUSSION ON ASSESSMENT OF PORT TRUST LANDS AND BUILDINGS.

WE now come to another interesting phase of the debate, namely the assessment of the Port Trust properties. The discussion which arose on this subject should be carefully noted, especially what Mr. Forbes Adam, as the representative of the Chamber and the Trust, had to say on it. Mr. Mehta, in moving his amendment, remarked that its object was to fix a principle on which the rateable value of the Port Trust was to be determined. In his opinion it was needful that a somewhat higher basis of assessment should be adopted. Port Trust properties stood in a different category from Government buildings, which were solely for public utility. While he admitted that the Trust realised very great sums, he would say that they had only a quasi-beneficial occupation. All the same "even in a representative character, the Port Trust may properly be taxed for the advantages it enjoys." *Ergo*, it may be clearly called upon to contribute to the general fund of the Municipality, not so much as the private property owner, but something more than Government. In making his request, Mr. Mehta did not ask for more than what the Municipality considered it was justly entitled to take from the Trust. He pointed out that the amendment he had moved did not contemplate assessment by the Municipal assessor, who might be partial to the Municipality as against the Port Trust. It gives the Government the power to fix the amount of the reduction the Trust should have over ordinary private property owners.

Without in any manner holding a brief or special pleading on behalf of the Port Trustees, Mr. Forbes Adam wished to place before the Council the claims of the Trust on their merits. He appealed to his colleagues for a substantial reduction on the full rating value of the properties. In support of it he urged what the Trustees were doing, namely providing latrines and water for the convenience of the public attending to business on the Trustees' docks and wharves. He thought this ought to weigh with the legislature. He appealed both to Mr. Mehta, and to Mr. West, who had an alternative amendment, to see that a reasonable consideration was shewn to the Trustees. In arguing out the point, Mr. Adam made a strenuous effort to portray the position of the Trust. Referring to Mr. West's argument, he observed that the Trust realised no profits as was alleged. "All that we have to do is to raise the revenue necessary to pay the interest on our loans, and if our revenues increase *pro rata*, to reduce our charges on the trade of Bombay, and thus add to the commerce of the city and consequent prosperity of the Municipality." No doubt Mr. Adam was correct in laying down the principal aim and object of the Trust. Whenever there was a large surplus of receipts over expenditure, the first duty was to build a reserve, which according to the Act, is limited to 16 lakhs, and thereafter to lighten the burdens of the trade in respect of wharfage, dock and other dues. Thus, whatever reduction the surplus was able to bring about on the charges was saving to the trade, though it is not easy to comprehend how the Municipality grew more prosperous on that account. He then referred to a long correspondence on the subject with Mr. Ollivant and submitted certain facts and figures for the favourable consideration of the Coun-

cil. " As private owners we should have been assessed," observed Mr. Adam, "at Rs. 2,15,000, Government after full consideration, allowed Rs. 1,61,000. I use the figures roughly. Deducting 20 per cent. from the former sum you get Rs. 1,72,000, and putting this against what we are paying, Rs. 1,58,000, the difference is Rs. 34,000. In our present position Mr. West's amendment, if carried, will cause the Port Trust to pay more by Rs. 68,000 than at present, and if the Trust was treated as Government in the last amendment, that is, rated 20 per cent. reduction, the difference would still be Rs. 34,000 against the Trust." Mr. Adam then proceeded with certain other figures, after which he went on to remark that wharfage fees were a direct tax upon trade, and therefore, the aim of the Trust would be to reduce them, which could only be done with surplus receipts. Again, the Trust had to pay 4½ per cent. on the cost of the properties purchased for it by Government. This debt, we may remark in passing, stands to-day at fully 2 crores of rupees, besides further public loans to the extent of 3 crores at 4 per cent. Mr. Forbes Adam further urged that this interest was not earned by the land, and the deficiency had to be made up from wharfage. The situation, however, is altogether different to-day. No doubt the Trustees, at the date of the passing of the Municipal Bill, were rather anxious about their landed estate. It gave a poor rental. But the exigencies of trade have since induced a new and most prosperous condition for the Trust, so much so that the Trust is now realising the fattest rents possible. The landed estate yields at present 21 lakhs per annum as ground rent and rent on godowns, sidings etc. But no doubt when Mr. Adam was urging a reduction on behalf of the Trustees, receipts were not so satisfactory. He thought that the

Trust had conferred great benefits upon the town. The unwholesome eastern foreshore, from Mody Bay to Frere Bunder, was reclaimed ; on the Elphinstone and Mody Bay estates alone ten miles of drains and roads were constructed. Mr. Adam, however, forgot to say that that was the duty enjoined by the Government under the Port Trust Act, and very wisely too. It would have been a grievous injustice to the ratepayers of the city had the work been thrown on the Municipality. Altogether it could not be said that Mr. Adam had made out a very strong case for the Trust.

Mr. Mehta, quickly saw through the strained reasoning of his colleague and remarked that if this amendment was passed the Trust would not be in so dismal a position as apprehended by Mr. Adam. He pointed out that what the Government had done on the last occasion was to fix the contribution or assessment at Rs. 1,79,100 instead of at Rs. 2,15,525. A deduction of 10 per cent. was allowed on the ground that Port Trust properties should not be rated like private properties. The principle adopted by the Government was wrong. He thought it to be an utter fallacy to contend that property which was beneficially occupied and used should be exempted from strict principles governing the assessment of private property. There was some force in the reasoning that trade partly increases the prosperity of the city. But the same thing may be said of the mill industry, and nobody contends that it should be treated in an exceptional manner. Mr. Mehta laid down that the only sound principle was that all property, whatever be its use or purpose, should pay the ordinary rates for municipal services rendered. If the Port Trust benefits the trade of Bombay, so does the Municipality by making the city a safe, healthy, and commodious place to

carry it on. He did not see why the Port Trust should be differently assessed. All that he was agreeable to do was to concede 10 per cent., say, for the saving in the cost of collection, incidental litigation, and occasional loss. The assessment on this basis, it was further urged, should be made every five years, as in the case of Government properties. A longer period was inadvisable, as the Trustees were constantly developing and increasing their property, and it would mean that a considerable portion of such might escape assessment, which could be hardly considered fair to the Municipality. Eventually Mr. West's alternative amendment was carried, Mr. Mehta having withdrawn his. Mr. Adam refrained from voting. The only "no" was Mr. Barve's.

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# CHAPTER LXXVII.

STRIKING SPEECHES OF MEMBERS ON THE WINDING UP OF THE DEBATE—WISE SAYINGS OF THE LATE MR. TELANG AND MR. FORBES ADAM.

WE have now almost reached the end of our history of Bombay Municipal Government, from the date of its inception, at the dawn of the memorable nineteenth century, to its very close. We have endeavoured to present to the reader a succinct but faithful and authentic account of the different stages through which that government has passed during a hundred years which are indeed unique for the remarkable events that have taken place. The progress which the country has made all along the line, politically, intellectually, socially, and economically under the vivifying influence of British civilisation will always remain a bright page in the History of India and England alike. We have tried to point out the evolutions which have followed in the path of that civilisation and the slow but sure progress local self-government has made in the city. In reality, it may be said that that progress is coeval with the growth and expansion of Bombay. Both have proceeded hand in hand till we witness to-day a city with a population of nearly a million teeming with thousands of tall houses on a limited area, some of which are indeed palatial and a thing of beauty and joy for ever, possessing the best and most commodious docks and wharves to accommodate the growing inland and seaborne trade, a trade so well fostered by the public-spirited and enterprising merchants who know how to increase the prosperity of the port as well as their

own, and boasting of as many as eighty cotton factories, which employ more than a hundred thousand persons, who maintain thrice that number, and priding itself on a Municipality with a revenue of a crore and a quarter which is the envy of all India and also its model. Again as much as 22 lakhs out of this gross revenue is expended on the Improvement of public health. Sanitation has been most diligently attended to, while under the City Improvement Trust legislation, insanitary streets and dwelling houses, despite colossal initial blunders which have been also most costly, are undergoing improvements. The annual contribution towards the Trust is fixed by law at 9 lakhs of Rupees.

Our task being thus almost brought to a close, we pass over the numerous small points of the memorable debate in the Legislative Council which sat to pass the existing Municipal law from 7th to 28th March, 1888. Suffice it to say no two representatives took greater care and trouble to impart to that legislation as much of completeness as it was then possible to conceive than Messrs. Mehta and Telang. The assistance, again, which the Hon'ble Mr. Forbes Adam gave to these two colleagues of his was also of great value. In fact, all seemed, notwithstanding the difference of opinion, to be actuated by a genuine desire to give to the citizens as perfect a Municipal Code as was possible, and invest the Corporation with supreme administrative authority. Thus Bombay owes a deep debt of gratitude to this special legislature which, fortunately for the citizens, was presided over by a Governor of the widest culture, far-sighted statemanship, liberality of sentiments and deep and abiding sympathy as Lord Reay.

But we feel that this record of the Municipa Government of Bombay would be incomplete if we omitted to reproduce here some of the best sayings on this subject

which were delivered at the close of the second reading of the Bill. Those sayings contain thoughts and reflections which ought to be well garnered by the present generation of our citizens, full as they are of practical wisdom. Many an important section of the Act, specially the constitutional part, on which we now and again read instructive interpretations and commentaries in the Corporation, and which to those who are not initiated appear to be puzzling or obscure, will become perfectly intelligible and transparent by the light of these speeches. Under the circumstances we now propose to give the salient portions of the different texts from the speeches which the principal gentlemen, who took a leading part in the debate, delivered at the close.

The first to speak was the redoubtable Mr. Forbes Adam, who had deservedly earned the sobriquet of "Sub-Governor," owing to the frequent advice on many an important problem which Lord Reay sought from him during his administration. Mr. Adam, being by training and temperament a moderate Radical, was not quite content with the modified Bill. He was still for giving larger authority and wider powers to the Corporation. In fact he was all for driving to its logical conclusion the cardinal principle which prescribes that the local affairs of a city should be wholly managed by its citizens without official let or hindrance. But the conservative traditions and instincts of the Indian bureaucracy which even Lord Reay, who came with the reputation of being a stalwart philosophical Radical, was not able to wholly modify. The two colleagues in his Government, progressive as they were, thought that the Bill had gone as far as it was possible to go. Their conservative instincts prompted them to "go slowly." Again, they did not enter into the very skin of the rate-payers as to what they felt and what they wished in the

matter of civic progress. To that extent they were retrogressive, if not reactionary. At the same time the two civic stars who shone like Castor and Pollux in the Council, though progressive and contending for larger powers from their intimate knowledge and experience of the thoughts, sentiments and feelings of the tax-payers, knew that they could only progress by stages. Mr. Telang, by training, was indeed most cautious in the matter of all Indian reforms, political and social. On many a platform that brilliant but reflective citizen had observed that it was wisdom to enter on reforms in this country on the lines of least resistance. Many a personage has tried to challenge that mature opinion. But the more we have seen and known of public life in India, the more we are convinced that after all Mr. Telang's view hold fast to-day. It was that cautious but liberal-minded statesman, no other than the late much esteemed Lord Northbrook, who as Viceroy, once observed that the interests of India demand that the Indians for their own solid and permanent welfare should "advance slowly," and it would seem that this counsel of perfection had made a deep impression on Mr. Telang. All through his brilliant public career the mind of that distinguished citizen was moulded after a fashion which had it been prolonged might have stamped him as a most sound Indian statesman, one who could have worthily and with distinction become a Member of the Executive Council under Lord Morley's Reform scheme. It is indeed the misfortune of Bombay that he was not long spared to her. Both his loss and the loss of that other and more distinguished reformer, Mr. Ranade, are irreparable.

Mr. Forbes Adam said: "Much as I hope that the Bill now about to be read a third time may be found in practice to work smoothly and satisfactorily, I harbour

and entertain grave misgivings. I regret that your Excellency's Council has not seen its way to give such consistency and all-pervadingness to the great central principle of the Bill, the principle that the Corporation is the governing body—that no possibility of question, uncertainty or clashing could hereafter arise. The idea of co-ordinate authority seems to me to be fraught with chances of friction and irritation. It is an attempt to reconcile what is irreconcilable. It possesses the elements of unsettlement and feud. I firmly believe the Bill might throughout all its sections have emphasised and accentuated its central principle without running the slightest danger of fettering and interfering unduly with the Commissioner in carrying out the details of the executive work of the Municipality." As a Manchester man, trained in the great school of Cobden, this expression of opinion is intelligible enough. And we can hardly blame Mr. Adam, if he stood so strongly for greater autonomy than was resolved upon by the Legislature. Speaking at Manchester, we should think he would have carried every one of his colleagues with him. But in Bombay it appeared that he was not strong enough, strong as he was for overcoming the obsolescent hierarchy of hide-bound officials. We cannot withhold our admiration for and cannot but honour that sterling Scotchman for the courage, independence, and public spirit with which he fought the battle of the citizens in the Legislative Council. He was the most outspoken of all the European members as he was also the most respected representative of the mercantile community. We do not know which to admire most—his great public spirit and staunch Radicalism, or his deep and abiding sympathy with the citizens of Bombay, and his deeper solicitude for their civic welfare. Anyhow, it is

a matter of regret to have to state that men of the type and character of Mr. Forbes Adam are now a rarity in our city. This is Bombay's greatest misfortune.

Mr. Telang next summed up his views on the character of the Bill as modified and revised during the second reading. He confessed that though at the first reading he had had to offer severe criticism on many of the provisions, he was confident of the great improvement which it would undergo during its later stages and which would make it fairly acceptable to the ratepayers at large. He was "very happy" to be able to say that the later history of this measure had fully justified his judgment and realised the hope he had confidently formed. The final stage of the Bill had been reached and he had no hesitation in expressing his belief that "upon the whole and notwithstanding certain defects and shortcomings and notwithstanding deviations, in some sections, from the principle which has been accepted in other sections—and notwithstanding all individual provisions" which he would still see amended,—he was "content to accept this Bill as for the present a sufficient measure of advance in local self-government." This expression of opinion, coming from the lips of so enlightened and liberal-minded a citizen as Mr. Telang, who had been a careful observer of the operations of the Municipal Act of 1872, was gladly endorsed by the citizens outside the Council Hall. Trusted of the people, he could never be expected to be content with an illiberal measure which in his opinion might be deemed inadequate by them. Hence his utterances were accepted without any mistrust touching the new measure. A strong advocate of slow but steady progress, Mr. Telang did not fail to refer to his own conduct and share in the interesting proceedings in the following terms : "I am a believer

in the general wisdom of the maxim that we ought to hasten slowly." This maxim he practically tried to carry out in his own person in matters political, social and intellectual, and to inculcate it on others to the best of his ability. It was owing to the same maxim that he deprecated the railway speed and the violence with which Mr. Malabari was then endeavouring to reform, outright, the whole Hindu Society which, as Mr. Dadabhoy Naoroji once sagely observed, and in which observation both Sir W. Wedderburn and Dr. Wordsworth agreed, had "a Himilaya before it to cut"! The same spirit of hastening slowly may be discerned in his utterances in connection with the Education Commission of 1882.

But having accepted the modicum of the liberal measure of local self-government which Lord Reay's legislature granted, Mr. Telang was not slow to point out one or two important matters on which he hoped a great advance would be made when the enactment came to be again amended or revised. For, urged he, in matters legislative there can be no finality. Progress was the law of life in all human affairs. And the progress which Bombay citizens might make in the civic administration of their city ought in future to entitle them to full autonomy. He therefore hoped that in the course of time the Government would be wise in granting it.

Mr. Telang then referred to the remark which had fallen from Mr. Naylor in the course of the debate, about the Municipal Commissioner not being a servant of the Municipality. Considerable misunderstanding had prevailed among the citizens on that asseveration, and, therefore, he took this opportunity to state his own views on the subject. "In my opinion," said Mr. Telang, "he clearly is the subordinate of the Corporation, and that is

the proper position for him to occupy. I am not the least anxious that the Corporation should have anything to do with purely executive matters," which properly belonged to the Commissioner as enjoined in the Act. Both Mr. Mehta and himself were most anxious that there should not be any interference with the executive functions of the Commissioner. They only wanted that it should be subject to the general control of the Municipal Corporation, *and that was substantially provided in the present Bill.*" Let us draw the pointed attention of our readers, and specially members of the Municipal Corporation, to the words we have emphasized. It is true that since the passing of the Act, there has sometimes been some eagerness on the part of a Municipal Commissioner to question the absolute fact that he is a servant of the Municipality, albeit he may be a member of the distinguished service. Mr. Telang went further still and boldly challenged the asseveration of Mr. Naylor that he was a co-ordinate authority only : "I am not prepared," he sternly remarked, "to admit that under the sections of the Bill as we have passed them, the Commissioner is called what is a co-ordinate authority. I do not think he is. That is not a correct description of his position under the Bill I understand he is a subordinate in every respect, except as regards the details of executive work, in which he is untrammelled and not to be interfered with. That is his position, and that is what it ought to be. . . . Looking at the Bill as a whole, the Commissioner's position is defined in the way it should be." This emphatic declaration of opinion of so sound a lawyer and legislator must be constantly borne in mind. Of course, the Commissioner has greater power even under the present Act than before, but it should be remembered that in the original draft Bill, it was sought to invest him with

even larger powers. "Under the Bill as it now stands,' continued Mr. Telang, "legislative power, financial power, the power to sanction large contracts and works, to call for the productions of papers, to increase the pay of the Commissioner, are vested in the Corporation, and that shows precisely what the Commissioner's position and that of the Corporation under the scheme. He is the municipal executive officer and I accept him as such."

There were not a few among the prominent citizens of the day who really wished to get rid of the Municipal Commissioner altogether. To these Mr. Telang gave a wise reply : "If we get rid of the Municipal Commissioner, we shall either have another officer under, perhaps, another name with the same functions, or we shall have what will be equivalent to municipal anarchy. We shall not have one governing spirit ruling the whole of the municipal administration' and I am not prepared to look on that with complacency." Neither would we even under existing circumstances. In fact, the more we see of the numerous and multifarious work which a Municipal Commissioner of the day has to perform, the more we are convinced of the absolute utility of a highly paid executive authority, but subject to the control of the Corporation. We put this question—What might have been the situation had there been no such authority as a Municipal Executive or had there been one chosen by the Corporation itself, as was airily suggested outside the Council Hall, during the first two or three years of the outbreak of the plague ? Might not a reign of municipal anarchy have prevailed, and might not the Municipality have been abolished by this time or reduced to the status of the Metropolitan one ? Mr. Telang observed : "I am in favour of the preservation of the Municipal Commissioner, though I

can quite see that the time may come when we shall take a further step in the direction of local self-government, and the Municipal Corporation will have to ask the Council of the day to concede the power to the Corporation to appoint its own Municipal Commissioner. I am not prepared to ask for that yet." Neither will future Corporations for the next quarter of a century to come. Mr. Telang foresaw that sometimes a Commissioner may act high-handedly, and that even friction may occasionally take place betweed him and the Corporation. Such high-handedness and such friction have been sometimes discerned : but none will deny that on the whole the relations that have subsisted between these two authorities have been of a most friendly character and unattended by any serious friction. In conclusion Mr. Telang observed that "considering that the various defects have been removed, I am prepared to hold that the Bill, as it stands, is now one worthy of acceptance, for the present, as a solution of the question of municipal reform. But I will not pledge myself to finality in this matter. Occasions may arise on which changes may be required. In a complex measure of this kind which touches many interests in many different quarters and in many differents ways, possibly the course of actual administration may disclose various defects and difficulties which will have to be remedied by legislative enactment." Thus concluded Mr. Telang. It seems as we write his words of practical wisdom vigorously ring in our ears. No doubt the working of the Act during the past twenty-five years has revealed many a minor defect some of which by divers fresh amendments have been remedied while others at due maturely must be remedied. There are, however, a few impetuous and short-sighted spirits in the Corporation who would have the

whole Municipal Code revised or superseded by another, forgetting the many interests and the difficulties which are certain to be encountered whenever fresh municipal legislation of a wholesale character is on the legislative anvil. Great care and circumspection will have to be exercised by those who are keenly anxious for the broadening of the foundations of local self-government in the city. Impetuosity and thoughtlessness will have to be kept in due restraint. What would substantially advance the greater privileges and welfare of the citizens at large would have to be thoughtfully considered and cautiously recommended, and, lastly, the golden maxim of advancing slowly, on the lines of the least resistance, will have to be firmly borne in mind. In the long run Bombay citizens will get that local autonomy which they may deserve by the greater public spirit, independence, and cautious wisdom which they may display.

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## CHAPTER LXXVIII.

### CONCLUDING REFLECTIONS OF MESSRS. MEHTA AND WEST.

AFTER the elaborate discourse of Mr. Telang, Mr. Mehta did not think it right to prolong the debate by any lengthened remarks. He began by observing that he would vote cordially for the passing of the Bill into law. The spirit of cordialty was indeed very intelligible when we reflect that no non-official representative of the Legislative Council had more to do, aye, even more than his distinguished colleague, in moulding the Bill in harmony with the views of the Corporation and in conformity with the wishes of the large body of enlightened ratepayers than he who is the *doyen* of the Corporation to-day with over forty years of uninterrupted municipal service rendered ungrudgingly, at great personal sacrifice, with consummate ability and brilliant statesmanship. Indefatigably had he worked in the Select Committee with Mr. Naylor and Mr. Macpherson at Mahableshwar. Innumerable as were the objections to the original draft, it was recognised by both his colleagues that but for his lucid explanation and convincing arguments they would never have been able to agree with him. But Mr. Mehta's intimate experience of the actual working of the old municipal law, and his entire grasp of the whole subject, combined with his knowledge of the wishes and requirements of the ratepayers themselves, enabled him not only to bring his colleagues on his side but to convince them that the several modifications which were made in the draft were right and proper. It was thus the natural pride of the work he had

actually done in the Select Committee that prompted the honourable gentleman to observe, on the winding up of the debate, that he would vote most cordially for the final passing of the measure, which is, indeed, recognised to-day as the most liberal charter in the matter of local self-government possessed by any city in India. He had also no hesitation in stating that in all that Mr. Telang had said about the character of the enactment as a whole, it had his entire concurrence. Only one matter had given him disappointment in the detailed discussion in which the desire of the President and the members of the Council was "so conspicuous as to give the most patient and careful consideration to suggestions and proposals from all quarters." Apart, however, from that matter he was aware that in practical legislation it was difficult to reach ideal perfection. We must all look to general results while guiding or giving individual points of view. "Looking at it this way," said Mr. Mehta, "I cannot but regard this Bill as being substantially in conformity with the views and opinions of the Corporation as representing the city, contained in the various representations sent by them to Government since 1883. It is drawn on sound practical principles—sound in theory and tested by long experience. It has carefully steered clear of two pitfalls. On the one hand it has avoided the blunder of making the Commissioner anything more than the executive officer of the supreme administrative body—the Corporation. On the other, it has not succumbed to the temptation of abolishing the Commissioner in favour of Executive Committees or Councils or of changing the mode of his appointment. The Corporation have always viewed with great alarm the prospect of either course being adopted; they have always firmly resisted all endeavours to seduce them

to give their approval to either." Thus the statesmanship of the two non-official members was greatly instrumental in presenting to the public as much of a perfect piece of municipal legislation as was practicable. And the public are extremely thankful to them both, for the invaluable services they respectively rendered. Mr. Mehta further observed that the Bill "was an eventually workable and practical measure. But it will be in the future as in the past. The prospect of its success will not be simply in its own excellence. Whether it be perfect, or whether it be faulty in some respects, its success will in a great measure depend upon its being worked in that combined spirit of enlightened zeal and public spirit, and of sound practical common sense which has distinguished the conduct of municipal affairs in the city for the last fifteen years. Worked in that spirit, as I feel confident it will be, this Bill is well calculated to add fresh laurels to the municipal fame of this city." Those were prophetic words indeed. For who would deny after twenty-five years' experience of the Act, the general excellence of its many provisions, and the harmonious operation of some of its most difficult sections. The sound common sense of the representatives of the citizens has almost uniformly asserted itself in the Corporation, which, therefore, has been able to achieve the highest measure of good for the welfare of the city.

Mr. West was not behind the representatives of the citizens in showering his blessings on the Bill. He observed that it was drawn "by careful induction from experience. Facts and tendencies have been accepted as guides of policy. This gives the best prospect of future efficiency and success. But experience affords grounds for fair judgment as to the chances of what is to come." The

principle of the Bill was sound and Mr. West had no ground for misapprehension as expressed by Mr. Forbes Adam. "I think," said he, "the principles embodied in this Act have proved themselves, by general as well as local history, sound and just, and as to the Commissioner being placed in a position which will prevent him from carrying out the ideas and policy of the Corporation, as he ought, I think it is hardly possible to find that in any sense he is put into such a position. He is given independent power within his own strictly limited circle of activity, but he cannot in any way thwart the general policy or desire of the Corporation. If he should attempt anything of the kind the remedy is in the hands of the Corporation. . . . The Corporation has to do with the general conceptions, with the higher regulative work, while the administrative, commonly called executive, work is placed directly in the hands of the Commissioner. To the Corporation is assigned the government—that is the word which has been used by great political thinkers from Plato to Lord Bacon, for the supreme, vital and regulative force in a community, and when it is used in this sense I do not think any higher or more comprehensive word can be conceived to describe the function assigned to the Corporation." After having made some general remarks of an abstract character, Mr. West proceeded to say that in his opinion the provisions of the measure were such as "to satisfy the reasonable and fair aspirations of the citizens of Bombay." "I trust," he said, "the Act will be carried on in its intended spirit by all parties concerned, and I will add that I hope every citizen will play with regard to this Act that part of a good citizen of which we read in our Latin grammar—*Vir bonus est quis? Qui leges jaraque servat.*" The efficiency and success thus

forecast has been more than realised, and be it said to the credit of the Corporation that it has all along endeavoured to administer the many provisions of the enactment in a spirit which has resulted in nothing but the best welfare and progress of the city. The part that Mr. West had played in making the measure as perfect as possible was no mean part for which he was ever proud. There remains to be reviewed the reflections of Lord Reay, who brought up the debate to its final conclusion.

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# CHAPTER LXXIX.

## CONCLUSION—LORD REAY'S STATESMANLIKE SPEECH ON THE SALIENT PROVISIONS OF THE ACT AND THE INVALUABLE SERVICE RENDERED BY SIR P. M. MEHTA.

WITH this chapter we bring to a close the History of Bombay Municipal Government. We have given a succinct and faithful narrative, if not exhaustive also, of the rise and growth of that Government from the date of its inception up to the year 1888. The Municipal Act passed in that year was a memorable statute in the civic annals of Bombay and a lasting monument of the combined legislative statesmanship of those distinguished official and non-official members who had taken an active part at various times in moulding into mature body and form what is now truly held to be the Magna Charta of Local Self Government. Lord Reay, in his concluding speech, was himself so gratified at the magnificent piece of legislation that he observed he would have "no hesitation" in sending it to Professor Gneist, "the greatest living authority on Local Government Legislation." Sir Raymond West, Mr. Naylor and Mr. Latham were indefatigable in their efforts in the same direction and their liberal-mindedness is to be greatly admired. Sir Forbes Adam, Mr. Telang and Sir P. M. Mehta formed a stalwart trio who fought Daniellike inch by inch to secure the greatest freedom practical for the citizens in the management of their own affairs. In fact, there was in the Legislative Council a galaxy of talent which contributed vastly to

the building up of that great charter of civic liberty of which all Bombay is justly proud. And it is a pleasure to recall the fact that no less than a royal Duke, a worthy son of the good Queen Victoria, no other than the popular Duke of Connaught, sat at the august Council and assisted in shaping with his colleagues the final course of municipal government in the city. Though sitting there as the Commander in Chief, he was deeply interested in the deliberations of the Council. He took a gratifying part therein. On more than one occasion he voted with the reformers which bespeaks volumes to his freedom from all official shackles, though it must be observed that in those days the mandate theory, which presently obsesses all officials, high and low, was hardly in evidence. Of course, from time to time, need was felt to amend some of the sections of the Act. But the ten amendments passed between 1888 and 1911, have been more or less of subordinate importance save one which was passed in 1907 as Act III whereby the long-standing controversy, leading to friction now and again, between the Corporation and the Government, was brought to a mutually satisfactory close, thanks to the earnestness of Lord Lamington, the compromising spirit of his colleagues Sir S. Edgerley and the perseverance and vast municipal experience of Sir P. M. Mehta. The Act made the necessary transfer of the police charges, which had long been saddled on the Corporation, to the Government and all the expenditure of medical relief in the future and of primary education to the Corporation. It was an equitable transfer which gratified the citizens and the Government alike. We give in the appendix a list of the various amending Acts passed since 1888. We repeat we have faithfully endeavoured to give a terse but succinct presentment of the

many vicissitudes and phases, some of a most exciting character, through which municipal affairs in the city have passed. We have tried to show how with the fortunes of growing Bombay, the fortunes of the Municipality have also grown, and how it is that it has reached those colossal proportions which we all rejoice to see to-day. No doubt those proportions dwarf into insignificance when compared with the gigantic advance of local self-governments in London and Paris, in Berlin and Vienna, in New York and Chicago. But it is still true that as far as India, and for that matter, we may say with truth, all Asia, is concerned, Bombay is pre-eminently the city where the privilege of local self-government, granted by the liberality of British statesmen of the past, has been most carefully reared and most successfully nurtured, thanks to the enthusiasm, independence, and public spirit of her citizens. To us it will be our richest reward to learn that the skeleton history we have endeavoured to present to our readers enables them to learn almost all that is worth knowing of the rise and progress of the Bombay Municipality. We claim no more credit for the attempt than bringing together those dry bones which the historian of the future may fill with flesh and blood. The materials will, it is to be hoped, serve to give ample light and shade and colour to his portraiture so as to make his history a standard authority for many a generation to come.

Meanwhile we may now proceed with our final task of presenting to the reader the sum and substance of the many weighty and authoritative observations and reflections with which the President concluded the protracted proceedings on the Bill (which is now Act I of 1888) in the local Legislative Council. It was, indeed, the singular good fortune of Bombay that between 1885 and 1890 she

had at the helm of her administration a statesman of the intellectual calibre, vast experience, practical sagacity, and liberal culture of Lord Reay, no unworthy rival of that other illustrious and popular Governor whose name is a household word throughout the land and whose fame will endure as long as the sun never sets on the British Empire, we mean Mountstuart Elphinstone. Malcolm and Elphinstone, Frere and Reay—these are the names of born administrators who have made Bombay what it is.

We repeat, it was a singular good fortune that it fell to the lot of Lord Reay to give us what we call our civic Magna Charta. Those were no mere idle words which his Lordship gave utterance to when he observed that "members of various legislative bodies will envy us the business-like way in which we have dealt with this comprehensive measure." That the measure is comprehensive none will dare deny, even after the lapse of twenty-five years during which it has been in operation. The Act, we may unhesitatingly observe, has been weighed in the scales of unbiased public opinion in India and has not been found wanting. What are the principal features of the Act? We think it essential that the citizens of Bombay, and especially our Municipal Corporation, should be reminded, in this place, of its many salient and important sections as so happily, so admirably, and so faithfully portrayed by the President himself in his memorable concluding address. In doing so his Lordship did not fail to give credit to all those who had taken a very active and important share in shaping the Bill into a comprehensive body and form. He recognised the amount of research and labour originally bestowed on it by Sir Charles Ollivant, and he recognised the courtesy, knowledge, and conciliatory disposition of Mr. Naylor and Mr. Macpherson in the Select Committee. He

warmly tendered his thanks to Mr. Latham, the Acting Advocate-General who assisted the Council with his great talents and many important suggestions. He highly complimented Mr. Telang who was so keen in his battles to "give to the individual householders the amount of protection" which he needed from "unnecessary interference developing into a hardship;" and last, though not the least, he paid the following flattering compliment to Sir P. M. Mehta, the present doyen of our Corporation. "I appointed," said Lord Reay, "the Hon'ble Mr. Mehta on this Council so that we might have the benefit of his intimate knowledge of Municipal affairs in the Select Committee in our debates. The honourable member has taken a considerable share in facilitating the passage and the improvements of this Bill, which, I believe, meets his views, which, I take it, are representative of those of the community, though I may be permitted to add that his views were characterised by that independence of judgment which marks a representative as distinct from a delegate." That was indeed a high compliment—coming from so distinguished a statesman—a compliment which Mr. Mehta doubly deserved by the ability and independence with which he has himself endeavoured to work the Act in the Corporation—clearly elucidating on many a critical occasion the real intentions of the Legislature on the constitutional provisions of the Act, and guiding and conducting his colleagues towards right deliberation when they happened, from insufficient knowledge and inadequate experience, to go a little astray.

But let us now proceed with a brief review of the important points to which Lord Reay referred while speaking on the enactment as a whole. "The Bill gives full recognition to the authority of the Corporation in whom the

Municipal Government is vested." This is the very foundation of the very liberal charter of Bombay local self-government which should never be lost light of. The success which the Corporation has hitherto been able to achieve owes its origin to this fundamental privilege conferred on it by the Legislature. The entire Municipal Government is vested in the Corporation, which is the superior administrative body and final tribunal. "The Corporation exercises among other powers that of passing bye-laws and of determining what revenue should be raised, what expenditure may be incurred, and such general control of the executive as is the natural result of that power. No money can be spent, or a future liability incurred, witout the sanction of the Corporation. No transfers can take place without the knowledge of the Corporation. The Corporation will find in the Bill what are its obligatory and its discretionary duties. The Standing Committee will bring the controlling power of the Corporation to bear more directly on the executive without preventing or unduly hampering energetic action, and it will also intervene, as the delegate of the Corporation, between the Commissioner and the public in the many matters of executive detail, in which private interests are likely to be considerably affected. Through this Committee the Corporation will exercise the special control which cannot be exercised by large deliberative assemblies. Subject to the general and the special check of the Corporation and of the Standing Committee the Commissioner will have to conduct the executive operations without any minute interference which would only do harm." Here we have, as it were, the quintessence of the main features of the Act. In this miniature *vade mecum* Councillors can always find what are the duties of the three authorities.

But Lord Reay was practical enough to make it clear, so that no doubt might arise in the practical operation of the Act, as to who may be the co-ordinate authorities and what were their functions. " It would not," he said," be correct to say that there are three co-ordinate authorities, because it is obvious that the Corporation has legislative powers, and powers of imposing taxation ond sanctioning expenditure which the others have not." This special privilege of the superior administration should be firmly borne in mind. " Neither is it correct to speak of the Municipal Commissioner, as *only* the servant of the Corporation, though he must carry out its commands, designs and desires in the sphere prescribed by law, because those are not his *only* duties and the law imposes on him *other* statutory duties to be performed on his own responsibility. The Com missioner is a servant of the public in the same way that I am a servant of the public. For instance in framing a bye-law, the Commissioner will execute the will of the superior legislative ; in carrying out a bye-law adopted or amended by the Corporation, he will act under instructions of the subordinate legislative after they have exercised their statutory functions. To the rate-payers the relative superiority of these organic functions is of no importance whatever. To them it matters not whether the bye-laws are clear, and whether they are framed by a person who has thorough administrative experience and knowledge of their wants. The functions of a representative assembly, such as the Corporation, are superintendence and check ; administrative work, on the other hand, can only be done by those who have been trained to it. Unless " the line of separation is recognised," as Mill points out, " the ratepayers for whose benefit both the Corporation and the Commissioner are called into existence, will not have their

interests properly looked after." In the above lengthy quotation the reader will find the most lucid and authoritative exposition of the respective duties and functions of the three authorities created in the Act, but unfortunately it is owing to an inadequate and perspicuous comprehension of those duties that many a Councillor in the Corporation goes astray and sometimes even renders mischief for the time being. From this it would be clearly perceived how great is the necessity of thoroughly studying the constitutional provisions of the Act, without which it is not possible for any Councillor, however zealous, and however disinterested, to discharge his self-imposed task and render that good to the city which he desires.

Again, as so much was said about the real position of the Commissioner, Lord Reay took further pains to elucidate the controversy. "The appointment by Government of the Municipal Commissioner does not affect his character as a *Municipal* authority. He does not thereby become, if he was not before, or continue to be, a servant of Government. His position will be substantially the same as that of officials who are lent by Government to Native States. He will not receive any instructions from Government except on the cases as provided by this Bill, and Government will have to pay a scrupulous regard to his independence. Any other interpretation of this Bill would be erroneous * * The interference of Government with the affairs of the Corporation is limited to the occasion and to the manner in which it can be exercised under the Bill. There is not the slighest inclination on the part of Government to overstep these limits. The Municipal Commissioner does not represent or commit Government by anything he says or does. He must—in order to serve the ratepayers satisfactorily—have the discretion, the qua-

lified freedom of action which the exercise of executive authority implies."

Proceeding further, Lord Reay explained what was the intention of Government in passing the Bill. "Government has mainly had in view to give through this Bill to the ratepayers the greatest security against extravagance and a wasteful administration. Representatives of the city are responsible for the good government of the city. A number of duties are imposed on them which it would be impossible for them in their corporate capacity to fulfil in detail. They are obviously a deliberative assembly, and the result of their deliberations will naturally assume the shape of bye-laws, resolutions or instructions, the execution of which must be left to another authority. Their constitution prohibits the performance of administrative duties which no representative assembly in any other country has ever dreamt of undertaking. They, like all other legislative assemblies, influence, control, and direct the administration by giving or withholding the funds for certain purposes, but they are not and cannot be administrative bodies. The same Act of the Legislature which creates them must, therefore, create other autorities for the purpose of carrying out the duties which the legislative and superintending body cannot execute." Here in a nutshell Lord Reay gave his views on the functions of the Corporation itself.

Lord Reay was not unmindful of extravagance in expenditure. He observed that the Commissioner will have to exert himself in keeping expenditure down. "The invariable tendency of specific departments and those who represent them, is to press for increased expenditure. The Commissioner will, by his intimate acquaintance with administrative details, be able to resist this tendency

This resistance can only be successful if he has full control of the spending departments and if he has the support of the Standing Committee and the Corporation." Unfortunately, it is here that many a Commissioner has failed. Moreover, Commissioners are so often changed, owing to the exigencies of State work, that they are withdrawn just at the time when they have acquired close acquaintance with the spending department, and are in a position, with the support of the Corporation, to give the benefit of that experience to the ratepayers. But we fully concur with Lord Reay in his sage observation that "a weak administration will not have the courage to face the unpopularity of retrenchment, but a strong administration will have no scruple in protecting public interests by dealing firmly with all attempts to expand the outlay of Municipal revenue. * * Frame your estimates as carefully as you like, have a perfectly rigid system of audit; unless the administrative agency has the knowledge and the will to enforce strict economy the ratepayer will have to pay for unnecessary waste. The great difficulty in all branches of the administration is to secure administrators with a sensitive economic conscience." In the interests of truth it must be said that we have not yet known of a single administrator, save Mr. (now Sir Theodore) Hope who had a sensitive economic conscience to check waste and extravagant expenditure. For years past there is the cry for retrenchment. Even a Retrenchment Committee was appointed some years ago which did absolutely *nothing*. But it is sad to say that we have as yet had no Commissioner with a strict economic conscience to curtail expenditure, which is growing by leaps and bounds. Not even the present incumbent of the office, though a highly trained expert, has been able to do much in this direction. We

cannot refrain from expressing the consensus of opinion among the ratepayers that it is only by a stern exercise of the economic conscience that unnecessary expenditure could be curtailed. It need not be said that the Corporation has uniformly borne in mind this vital matter. There have been and are watch dogs of finance who have insisted and insist upon expenditure keeping pace with revenue. As a matter of fact, despite the aberrations of some easy going Commissioners who allowed departments to blindly run up expenditure, the finances of the Bombay Municipality are flourishing with fat surplus cash balances at the close of each year. During the last few years no two Commissioners have been more vigilant in point of expenditure, keeping a tight hold over the great spending departments than the late Mr. Harvey and Mr. Cadell.

We may now bring this history to a close by a referrence to the concluding remarks of Lord Reay. Speaking as a whole, he said that "the revised machinery created by this Bill will be found adapted to the enlarged functions which it has to perform * * The local administration of Bombay has been hitherto conducted in a way which has excited the admiration of important and expert critics who judge by results. To make sweeping changes in an organisation which had produced these results would have been unstatesmanlike; a systematic measure of amendment and consolidation was the need of the hour. In maintaining a high standard of primary education, of sanitation, in improving the system of communications and of lighting, in preserving open spaces, in the care of the sick, in giving increasing facilities to trade by the reduction of town duties, the Corporation will find a noble field for its initiative and its energies." It will be an immense satisfaction to Lord Reay to know at this

hour that in all directions pointed out by him in his great speech the Corporation of Bombay has more than fullfilled his anticipations. And that barring the physical calamity which has overtaken "Beautiful Bombay" during the last seventeen years, a calamity the evil consequences of which it is trying to minimise, to the best of its ability and resources, the public spirit, independence, and zeal of its citizens have combined to do most excellent work for this noble city which, as far as local self-government is concerned, richly deserves the title it has earned of being the first in the British Indian Empire.

Lastly, it may be observed, without the slightest fear of contradiction, that no Member of the Corporation has more strenuously striven than Sir Pherozeshah M. Mehta to maintain the integrity, honour and dignity of the Corporation and the status of its President, to solve many a complicated and difficult problem on a variety of occasions by the lucid interpretation of the provisions of the Act in the framing of which he had so active a share, and to watch with the eyes of Argus that its constitution was jealously maintained and safeguarded so as to keep it always free from encroachment or usurpation by any other authority. Times there were when there was a great danger of such a contingency, but it is a matter of gratification to be able say in this place that his practical sagacity and long experience was instrumental in averting it. If Cato was said to be the great saviour of the Roman State, it may be said with perfect truth that Sir P. M. Mehta has been the saviour of the Bombay Municipal Corporation from many of the serious pitfalls which had threatened it during the last twenty-five years that Act I. of 1888 has been in operation. The records of the Corporation and the files of contemporary chronicles,

giving reports of important debates in the Corporation, are ample evidence of the fact which he who runs may read. To-day, he enjoys the privilege of being the Father of the Corporation, having nobly and ungrudgingly served it for fully forty-three years consecutively, with an ability, independence, indomitable courage and great self-sacrifice which may be said to be unique and unparalleled in the annals of Local Self-Government in the entire British Indian Empire.

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# APPENDIX NO. 1.

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## MEMO OF LEGISLATION SINCE 1888 FOR THE AMENDMENT OF CITY OF BOMBAY MUNICIPAL ACT OF 1888.

*Act IV of 1888.*—Amending Sections regarding reservation of control by the Government of India over the loan transactions of the Corporation and the removal of petroleum from the list of dutiable articles etc.

*Act I of 1894.*—Amending Sections regarding the question of repayment by the Corporation of the Vehar water-works debt, extension of period of repayment etc., and also regarding the question of giving power to the Corporation of investing surplus moneys.

*Act I of 1897.*—Amending the Act so as to enable the Deputy Municipal Commissioner to represent the Municipal Commissioner at meetings of the Corporation and Standing Committee.

*Act I of 1898.*—(The City of Bombay Municipal Investment Act). Supplementing the provisions of the Municipal Act with respect to the Investment of Sinking Funds and Surplus moneys and to validate certain Debentures.

*Act II of 1900.*—Raising the maximum monthly pay of the Executive Health Officer from Rs. 1500 to Rs. 2000 and the minimum from Rs. 1200 to Rs. 1500.

*Act V of 1903.*—Raising the maximum salary allowable to the Municipal Executive Engineer from Rs. 1500 to Rs. 2000.

*Act V of 1905.*—Amending Sections relating to drainage and the construction and inspection of buildings, and also regarding the control of the supply of water to private properties and the overcrowding and ventilation of houses.

*Act III of 1907.*—(The City of Bombay Police Charges Act). Transferring the City Police Charges to Government and giving full control of public vaccination, medical relief and primary education to the Corporation instead.

*Act I of 1910.*—Adding clauses to certain Sections regarding provision of music for the people and issue of duplicate securities etc.

*Act II of 1911.*—Amending the Act so as to admit of creation of the post of Hydraulic Engineer and regarding levy of halalkhore tax on certain premises, abolition of cycle tax etc., improving the system of numbering houses in the City, provision of sufficient means of egress in the event of fire, suppressing the smoke nuisance, control over bake-houses, checking the illicit import of meat, control of hand-carts, raising the motor tax etc.

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## APPENDIX No. 2.

*Gross Income of Bombay Municipality.*

| Years. | Income in lakhs of Rs. | Incidence per head of the population. Rs. A. P. | Gross Assesment in crores of Rs. |
|---|---|---|---|
| 1867 .. | 30·40 | 3 6 1 | 1·63 |
| 1872 .. | 36·48 | 4 3 1 | 1·29 |
| 1877 .. | 32·4I | 4 4 2 | 1·15 |
| 1882 .. | 46·12 | 4 15 6 | 1·26 |
| 1887 .. | 49·61 | 4 14 10 | 2·16 |
| 1892 .. | 62·65 | 8 6 1 | 2·86 |
| 1897 .. | 62·08 | 6 5 10 | 2·89 |
| 1902 .. | 77·66 | 8 10 3 | 3·18 |
| 1907 .. | 96·48 | 8 7 10 | 4·14 |
| 1912 .. | 126·55 | 10 13 2 | 5·36 |

**NOTE.—From 1865 to 1872 there was a Bench of Justice who formed the Corporation. Owing to financial extravagances of the chief Executive the Municipality was reconstructed and reorganised on an elective basis with a Corporation in 1872.**

# APPENDIX No. 3.

*Gross Expenditure of the Bombay Municipality in Lakhs of Rupees.*

| Year. | Total Expenditure. | Interest on Debt. | Public Works. | Public Health. |
|---|---|---|---|---|
| | Rs. | Rs. | Rs. | Rs. |
| 1867 .. | 42·16 | 0·21 | 17·38 | 14·26 |
| 1872 .. | 31·15 | 4·75 | 12·86 | 7·61 |
| 1877 .. | 30·36 | 7·09 | 8·96 | 7·49 |
| 1882 .. | 47·53 | 12·28 | 14·01 | 10·14 |
| 1887 .. | 41·77 | 23·27 | 13·84 | 10·10 |
| 1892 .. | 57·82 | 21·97 | 17·72 | 12·92 |
| 1897 .. | 70·04 | 22·60 | 15·55 | 14·09 |
| 1902 .. | 82·26 | 27·11 | 15·71 | 20·97 |
| 1907 .. | 85·20 | 32·26 | 19·39 | 21·16 |
| 1912 .. | 114·84 | 37·14 | 24·92 | 21·40 |

**NOTE.—From 1865 to 1872 there was a Bench of Justice who formed the Corporation. Owing to financial extravagances of the chief Executive the Municipality was reconstructed and reorganised on an elective basis with a Corporation in 1872.**

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